

**NS NORFOLK SOUTHERN**

Norfolk Southern Corporation  
Law Department  
Three Commercial Place  
Norfolk, Virginia 23510-2191

James R. Paschall  
General Attorney

Writer's Direct Dial Number

(804) 629-2759

June 6, 1995

INTERSTATE  
COMMERCE COMMISSION

Mr. Vernon A. Williams, Secretary  
Interstate Commerce Commission  
12th Street and Constitution Avenue, N.W.  
Washington, D. C. 20423

Re: Docket No. AB-290 (Sub-No. 172X), Norfolk Southern  
Railway Company -- Abandonment -- Between O. & H.  
Junction and Henderson in Granville and Vance  
Counties, North Carolina -- Petition for Exemption

Dear Mr. Williams:

Enclosed for filing with the Commission in the captioned proceeding are an original and ten copies of the Petition for Exemption. Also, enclosed is a check for \$3300 to cover the filing fee.

Please acknowledge receipt on the enclosed copy of this letter and return it to me in the self-addressed, stamped envelope.

ENTERED  
Office of the Secretary

JUN 14 1995

☒ Part of  
Public Record

Yours very truly,

*James R. Paschall*

James R. Paschall

JRP/sg  
Enclosures

ENTERED  
Office of the Secretary

JUN 8 1995

☒ Part of  
Public Record

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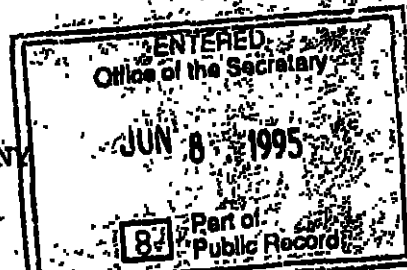
BEFORE THE  
INTERSTATE COMMERCE COMMISSION

DOCKET NO. AB-290 (SUB-NO. 172X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT --

BETWEEN O & H JUNCTION AND HENDERSON  
IN GRANVILLE AND VANCE COUNTIES, NORTH CAROLINA

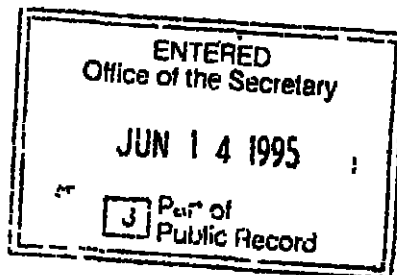


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PETITION FOR EXEMPTION

JUN 7 1995

INTERSTATE  
COMMERCE COMMISSION



James R. Paschall  
General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191  
(804) 629-2759

Dated: June 2, 1995

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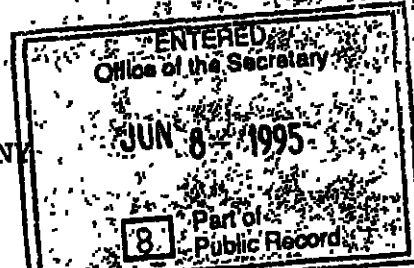
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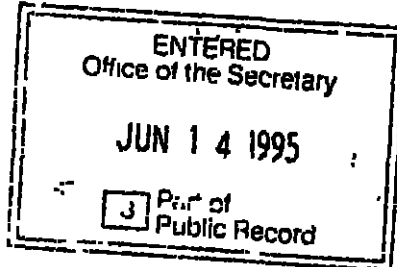


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PETITION FOR EXEMPTION

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James R. Paschall  
General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191  
(804) 629-2759

Dated: June 2, 1995

BEFORE THE  
INTERSTATE COMMERCE COMMISSION

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DOCKET NO. AB-290 (SUB-NO. 172X)

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NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT --

BETWEEN O & H JUNCTION AND HENDERSON  
IN GRANVILLE AND VANCE COUNTIES, NORTH CAROLINA

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PETITION FOR EXEMPTION

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Norfolk Southern Railway Company (NSR) hereby petitions the Interstate Commerce Commission (Commission or ICC), pursuant to the provisions of 49 U.S.C. § 10505, as amended, for exemption from regulation under 49 U.S.C. § 10903 et seq., to abandon 13.0 miles of railroad between Milepost I-1.0 at O & H Junction, NC and Milepost I-14.0 at Henderson, NC (the O & H Jct. - Henderson Line or the Line). NSR will continue to serve Oxford, NC and will retain the 1-mile segment of line between Milepost I-0.0 at Oxford, NC and Milepost I-1.0 at O & H Junction, NC as a rail line.

NSR originally intended also to retain a short segment of the Line between Milepost I-1.0 and approximately Milepost I-2

1.5 and reclassify it as industrial track to permit operating room for turns and to allow for car storage. However, NSR recently agreed with the Granville County Board of Commissioners to retain an additional 1.5 miles of the Line between Milepost I-1.5 and Milepost I-3.0 as industrial lead track for three years in return for the County not opposing the abandonment exemption petition. Retention of this additional segment will be not only for turns and car storage but to permit the possibility of providing service to two potential industrial development sites if those sites can be developed and require rail service.

Section 10505 of Title 49, as amended, directs the Commission to exempt a transaction when the Commission finds that the transaction satisfies certain statutory criteria. As demonstrated by this petition, the abandonment for which NSR seeks exemption fully satisfies the statutory criteria.

### **Background**

The Line is a 13-mile segment of a 14-mile NSR branch line that is a dead-end line in the NSR system. The Line does connect with the rail line of CSX Transportation, Inc. at Henderson, NC. Henderson, NC is not an important interchange point for NSR and CSXT, however. The interchange is used principally for a small volume of traffic originating or terminating at or near Henderson itself. Interchange of any remaining NSR-CSXT joint-line traffic originating or terminating in the Henderson area can continue to take place at Raleigh, NC.

about 40 miles south of Henderson, and other NSR-CSXT interchange locations.

All of the remaining rail customers receiving service via this Line after the imminent relocation of a Chesapeake Corporation woodyard, discussed below, are at the end of the Line at Henderson, NC. In fact, they are all located on CSXT at or near Henderson, NC, except for one customer (ETC Henderson) which received service for 6 carload shipments in 1994 and 1 carload in the first quarter of 1995 at an NSR team track at Henderson, NC.

Most of the business that has moved over this Line in recent years has been, or soon will be, lost to NSR. Shipments from a Chesapeake Corporation woodyard at Henderson (Burkart), have comprised about 60 percent of the traffic over the Line. Chesapeake Corporation is relocating the woodyard to a location on NSR's main line near Oxford, NC and will no longer need service over the Line. Ball Incon which contributed over 20 percent of the recent traffic moving over the Line, has signed a transportation contract with CSXT. Thus, Ball Incon's former business with NSR over this Line has been diverted to CSXT.

The remaining Henderson area customers' business that moved over NSR's Line consisted of 144 carloads originating or terminating at or near Henderson, NC over the 12-month period between January 1, 1994 and December 31, 1994 (and 48 carloads in the first quarter of 1995).

All of the shippers at or near Henderson, NC receive service at their business location from CSXT, except for one who

uses a team track and had 6 carloads of traffic in 1994 and 1 carload in the first quarter of 1995. Thus, the rail shippers at or near Henderson, NC will not lose rail service as a result of this abandonment of the Line by NSR. They will continue to receive the same rail service from CSXT in originating or terminating their shipments that they do now. Rail service for shippers at or near Henderson, NC thus is not dependent on NSR maintaining this Line. All of these shippers' rail shipments can be re-routed via other interchange points or to CSXT direct service.

NSR is facing significant maintenance and repair costs for this Line. In particular, a timber bridge at Milepost 13.7 is desperately in need of repair. As stated in the attached verified statement of Ed Bond, NS Chief Engineer Bridges and Structures, the most economical way to repair the bridge is to replace the wooden structure. This would cost about \$210,000.00 immediately. These costs, as well as the opportunity costs and costs of operation, cannot be justified to keep open a 13.0 mile line over which, on average, no more than 3 or 4 carloads per week can be expected to move.

Moreover, no shipper will lose rail service since they are all served by CSXT now (or, in one case, can be served via the same type of team track service it now receives). In fact, NSR may not lose all of the rail business moving to and from Henderson, NC but should retain a partial haul for some traffic originating or terminating on NSR. This traffic can be

interchanged with CSXT at Raleigh, NC or other locations.

In support of an exemption for the proposed abandonment, NSR states as follows:

**Name and Description of Petitioner**

Norfolk Southern Railway Company (NSR) is a common carrier by railroad which operates a railroad system throughout the Eastern United States, including North Carolina. NSR, formerly Southern Railway Company, is a wholly owned subsidiary of Norfolk Southern Corporation, a non-carrier.

Counsel for Petitioner to whom correspondence may be sent is:

James R. Paschall  
General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191  
(804) 629-2759

**Relief Sought**

Pursuant to 49 U.S.C. § 10505, the relief sought is an exemption from regulation under 49 U.S.C. § 10903 et seq., granting authority for NSR to abandon the Line without being required to list the Line on its system diagram or to submit a full long-form abandonment application.

**Description Of Line To Be Abandoned**

A map of the Line to be abandoned is attached as Exhibit



1. The Line to be abandoned is a segment of a 14-mile branch line between Oxford, NC and Henderson, NC. The segment to be abandoned consists of 13 miles of railroad between Milepost MP I-1.0 at O & H Jct., NC (one mile east of Oxford, NC, which NSR will continue to serve), and Milepost I-14.0 at Henderson, NC. The Line has not been included on NSR's system diagram map. This petition includes NSR's request for exemption from this requirement.

Reasons for Abandonment: Traffic Declines, Increasing Costs, Few Remaining Customers

Most of the traffic on this Line originated or terminated at Chesapeake Corporation's woodyard at Henderson (Burkart), NC or at Ball Incon at Henderson, NC. The woodyard is moving to a location on the NSR main line at Oxford. The Ball Incon traffic has been lost to CSXT under a transportation contract.

There is only one rail customer that receives service, using a team track located on the O & H Jct.-Henderson Line. This customer, ETC Henderson, P. O. Box 1790, Henderson, NC 27536, received 6 carloads of freight at the team track during the 12-month period between January 1, 1994 and December 31, 1994 and one carload of freight in the first quarter of 1995. ETC Henderson can utilize adjacent team tracks switched by CSXT.

There are no other customers with private sidings on the Line. Over the 12-month period between January 1994 and December 1994 (and continuing through the first quarter of 1995) shipments over the Line by customers other than Chesapeake Corporation and

Ball Incon averaged less than 4 carloads per week. Those carloads originate or terminate with customers located on the CSXT line at or near Henderson, NC (including the nearby CSXT stations of Greystone, NC and Middleburg, NC).

The rail shippers at or near Henderson, NC, other than ETC Henderson mentioned above, include Harriet & Henderson Yarns, P. O. Box 789, Henderson, NC 27536, Purolator Products Company, P. O. Box 1637, Henderson, NC 27536, and Greystone Concrete Products, Inc., P. O. Box 60, Henderson, NC 27356 who shipped, or received most of the remaining traffic moved via the Line with 56, 17 and 41 carloads in 1994. Shippers with traffic moving via the Line also included Perry Builders and Georgia Pacific, with mailing addresses at or near Henderson, NC. These shippers shipped or received 4 and 12 carloads, respectively, in 1994. Shippers whose traffic moved over the Line in 1994, also included Roses and Stone Forest Industries, with mailing addresses at or near Henderson, NC, who shipped or received 1 carload in 1994. (Southern States Cooperative and Builderway, with addresses at or near Henderson, NC, also received one carload of freight in the first quarter of 1995.)

CSX Transportation, Inc. provides rail service to Henderson and serves or can serve all the shippers shipping or receiving rail traffic routed via the Line. NSR has a team track at Oxford, NC, where the shippers could receive team track shipments via NSR, if they desire. Thus, the customers whose shipments were routed via the Line will continue to receive direct rail service from CSXT and to have rail service options for their rail traffic.

There are no prospects for significant additional traffic on this Line since the rail customers are located on the CSXT line at Henderson, NC or are served via team track. A significant reciprocal switching charge of \$250 per carload to CSXT would make additional traffic over an NSR (CSXT delivery) route to or from Henderson, NC generally uneconomical compared to traffic over other routes, including CSXT direct.

#### Efforts to Continue Service

NSR bid for a transportation contract on Ball Incon traffic but lost the traffic to CSXT.

Henderson, NC is a small community with only limited rail traffic available. Moreover, all of the shippers at Henderson are served directly by CSXT or through team tracks, making it difficult for NSR to provide complete, competitive and economical service.

NSR contacted Railtex, a short line operator with another line in the vicinity (Virginia Southern Division of the North Carolina and Virginia Railroad Co., Inc.) about whether it wished to buy the Line. After considering the matter, Railtex said it was not interested in acquiring the Line.

#### Communities on Line

The only station and the only community on the Line is Henderson, NC, population 15,800, according to the 1995 Rand McNally Commercial and Marketing Atlas. (Burkart is neither a separate station nor a separate community. It is not listed in the NSR timetable or in the Rand McNally Atlas.)

### Alternative Service

Truck service is available to Henderson, NC, the only community served by the segment of the O & H Jct - Henderson Line to be abandoned. Truck service is by hard surface federal and state highways, including U.S. Route 158 and NC Route 39 at Henderson, NC. Interstate 85 passes through Henderson, NC and within about 20 miles of Oxford, NC. U.S. Route 1 also passes through Henderson, NC and provides a direct link to Raleigh, NC. With the partial deregulation of motor carriage and close proximity of major highways, many motor carriers can conveniently serve the area served by Line. Rail service is available to all current rail customers at or near Henderson, NC via CSXT.

### Operations

Because of the extremely limited amount of traffic on the Line, there are no regular NSR rail freight operations over the Line. An NSR local from Raleigh, NC, provides service on an "as needed" basis.

### Maintenance and Net Liquidation Value

Normalized maintenance to Class II standards for the entire Line is estimated to cost \$141,760 per year. Class II track speeds and maintenance are necessary in order for the local train to complete its work and return to Durham within the Hours of Service Law. See Exhibit 3. Normalized maintenance would be necessary for the entire Line since the remaining customers are at the end of the Line at Henderson.

Current net liquidation value for the Line is \$228,395.00. This is made up of material valued at scrap prices. Forecast Year NLV is \$228,395.00 because there is no foreseeable imminent change in scrap prices. See Exhibits 3 and 4.

Revenue and Cost Data

Attached as Exhibit 2 is a statement of the revenues and costs for that portion of the originating and terminating traffic on the O & H Jct.-Henderson Line for calendar year 1994, and the Forecast Year, July 1995 through June 1996, that will be retained. (The Chesapeake Corporation and Ball Incon traffic that would no longer move over the Line has been excluded from the Forecast Year because its inclusion would not accurately reflect future traffic levels over the Line.) This exhibit was prepared consistent with the regulations contained in 49 CFR § 1152.

The revenues from the shippers on the Line during 1994 totaled \$781,447.00. The on and off branch costs, including normalized maintenance, totaled \$906,794. Thus, last year the Line operated at an avoidable loss of \$125,348.00. The avoidable loss from operations for the Forecast Year is projected to be \$153,905.00.

This number does not give a true indication of the drain that the O & H Jct.-Henderson Line will put on NSR's resources if it is retained. The need to repair and maintain the bridge at Milepost I-3.7 will cost \$210,000 immediately and could later

include considerable additional amounts over a period of years. See the verified statement of Ed Bond. The Line would also need crosstie replacement and resurfacing within a few years, since the Line was last upgraded in the mid-1980s.

The Line has a net liquidation value, excluding real estate, of over \$228,395.00. Exhibits 3 and 4. The opportunity cost of leaving this rail in place is \$37,914.00. Exhibit 4. The true economic cost of operating the Line, including opportunity cost and income tax consequences, was \$150,141.00 in 1994 and is projected to be \$388,282.00 in the Forecast Year. Exhibit 3.

#### Public Use

NSR believes the Line to be abandoned is not suitable for public use. NSR believes that repair and maintenance of the bridge(s) on the Line would make such use prohibitively costly.

NSR's title search is incomplete. At this time, NSR is not aware of any reversionary interest which would affect transfer of title, but must do further work to be certain.

#### Environmental and Energy Impact; Historical Report

Attached are environmental and historical reports prepared and previously distributed in accordance with the Commission's regulations. Also attached is a letter from the North Carolina SHPO's office indicating that the historical review process has been completed and that there are no

structures eligible for inclusion on the National Register of Historic Places on the Line.

The Abandonment Is Appropriate For Exemption

NSR has chosen to file a petition for exemption from the abandonment regulations rather than a long-form application because preparation of a long-form abandonment application would be a major burden upon NSR. Listing of the line on the NSR system diagram, as well as preparation of the data for a long-form abandonment application, given the stringent time frames for data requirements, would be expensive and time-consuming. Because of the large avoidable loss and opportunity cost, and the possibility that a bridge on the Line is becoming unsafe and may need to be taken out of service soon, the time lost in utilizing the long-form procedure would be extremely costly and could result in inconvenience to both the shippers and to NSR.

The principal concerns voiced by shippers and public agencies to a rail carrier's use of petitions for exemption in abandonment cases in the past appear to have been the lack of notice and the lack of regulatory guidelines for the filing of objections to the petition. It is NSR's practice to notify all shippers and officials in communities on lines proposed for abandonment through exemption. The state agencies concerned with rail transportation are also notified of the proposal. In addition, copies of the petition are served on all active customers and on the concerned state officials with a letter that

advises that any comments or protests should be directed to the Commission within 30 days of the filing of the petition. Newspaper notices concerning the filing of the petition were published in both counties through which the Line runs. NSR does not know of any shipper or other party expected to oppose the abandonment of this Line.

The petition procedure will also allow the Commission to act more quickly in handling this matter.



**ARGUMENT**

**A. THE PROPOSED TRANSACTION MEETS THE STANDARDS FOR AN EXEMPTION UNDER 49 U.S.C. §10505**

Under 49 U.S.C. 10505(a), the Commission is directed to exempt a transaction from the application of one or more provisions of the Interstate Commerce Act if application of such provision: (1) is not necessary to carry out the transportation policy of § 10101a ...; and (2) either (A) the transaction or service is of limited scope or (B) the application of (such) provision ... is not needed to protect shippers from the abuse of market power. Congress intended that the Commission use its exemption authority under § 10505 to free certain transactions and services from the substantial administrative and financial costs associated with excessive regulation. The exemption authority conferred on the Commission is not discretionary if the statutory criteria of 10505 are met. The Commission "shall" exempt in such circumstances. 49 U.S.C. 10505(a).

**B. THE PROPOSED TRANSACTION FURTHERS NATIONAL TRANSPORTATION POLICY**

The Rail Transportation Policy set forth at 49 U.S.C. 10101a directs the Commission to exercise its authority in a manner consistent with minimizing a need for federal regulatory control over the rail transportation system and, when regulation is necessary, to provide fair and expeditious regulatory decisions; to foster sound economic conditions; to reduce

regulatory barriers to exit and entry; to promote a safe and efficient transportation system by allowing rail carriers to earn adequate revenues; and to encourage honest and efficient management of railroads.

Exemption of the proposed abandonment is consistent with the objectives of national rail policy. By minimizing regulatory expense and time, an exemption will expedite the decision process and reduce regulatory barriers to exit. Expedition of the decision process will eliminate maintenance costs for certain highway crossings and grade separations. More significantly, it will eliminate the need to perform costly repairs on the bridge at Milepost 3.7 or to take the bridge out of service while the Line is still active because the bridge has become unsafe to operate over.

Exemption will also foster sound economic conditions and encourage efficient management of transportation resources. The abandonment will assist NSR efforts to utilize its resources for rail service on other more viable lines.

The O & H Jct.-Henderson Line does not allow NSR to earn adequate revenues. Not even the on-line transportation costs of operating the Line are covered by current revenues. Continued operation also requires NSR to forego the use of over \$228,395.00 in rail assets. Wasting these large sums is clearly not consistent with preservation of transportation resources. To require NSR to operate the O & H Jct.-Henderson Line for the future when it will clearly lose considerable money in doing so

is contrary to the policies of the Staggers Rail Act of 1980.

An exemption to permit the abandonment of the Line is not inconsistent with other Rail Transportation Policy goals. Competition will not be adversely affected. There will be truck service and intermodal service available to all points on the O & H Jct.-Henderson Line, and the active rail shippers on the Line can continue to receive direct and team track service from CSXT and even team track delivery from several nearby NSR locations, such as Oxford, NC, if any shipper desires such service.

**C. THE PROPOSED TRANSACTION IS LIMITED IN SCOPE.**

This transaction involves abandonment of 13 miles of a branch line. Under similar facts, the Commission has consistently made findings that the transaction was of limited scope under § 10505. See Docket No. AB-290 (Sub-No. 122X), Norfolk and Western Railway Company--Abandonment--Between Moberly, Missouri, and Albia, Iowa, decided February 16, 1993 (a 121.8-mile line); Docket No. AB-290 (Sub-No. 110X), Georgia Southern and Florida Railway Company--Abandonment--Between Nava and Palatka, Florida, decided January 4, 1991, (a 67.3-mile line), and Docket No. AB-362 (Sub-No. 1X), Texas & Oklahoma R.R. Co.--Abandonment Exemption--Between Cherokee and Thomas, OK, (a 76.81-mile line).

**D. APPLICATION OF §10903-10905 IS NOT NECESSARY TO PROTECT SHIPPERS FROM ABUSE OF MARKET POWER**

There is only one shipper that receives service in part

from NSR over the Line that is not located on and switched by CSXT. That shipper receives service from NSR at an NSR team track at Henderson, NC. All other remaining shippers whose traffic has been routed over the Line are located on CSXT.

On average, NSR traffic consists or would consist of only a few carloads per week originating or terminating at locations on CSXT at or near the Henderson, NC end of the Line to be abandoned. The rail customers at Henderson will continue to be served by CSXT, motor carrier, intermodal service and even may have team track delivery via NSR about 14 miles away, if they deem this desirable. The low volume of affected traffic and availability of alternate transportation assure that shippers will not be subject to an abuse of market power. Thus, abuse of market power is really not an issue in this proceeding.

#### LABOR PROTECTION

NSR recognizes that in exercising its exemption authority, the Commission may not relieve a carrier of labor protection obligations that otherwise would be required by statute. NSR understands the Commission will impose labor protective conditions as in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979), to satisfy the requirement of 49 U.S.C. § 10505(g)(2).

**CONCLUSION**

WHEREFORE, Norfolk Southern Railway Company respectfully requests that the Interstate Commerce Commission promptly exempt from further regulation the abandonment of 13 miles of NSR railroad line between Milepost I-1.0 at O & H Jct., North Carolina, and Milepost I-14.0 in Henderson, North Carolina, permitting prompt abandonment of that Line.

Respectfully submitted,

NORFOLK SOUTHERN RAILWAY COMPANY

By: W. E. Ingram  
W. E. Ingram  
Director Strategic Planning

June 2, 1995

Of Counsel:

James R. Paschall  
General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191  
(804) 629-2759

VERIFICATION

COMMONWEALTH OF VIRGINIA )  
CITY OF NORFOLK )

ss:

W. E. Ingram, being duly sworn, deposes and says that he is Director-Strategic Planning for Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Interstate Commerce Commission the foregoing Petition for Exemption; that he has carefully examined all of the statements contained in said Petition for Exemption; that he has knowledge of the matters set forth therein are true and correct to the best of his knowledge, information, and belief.

W. E. Ingram

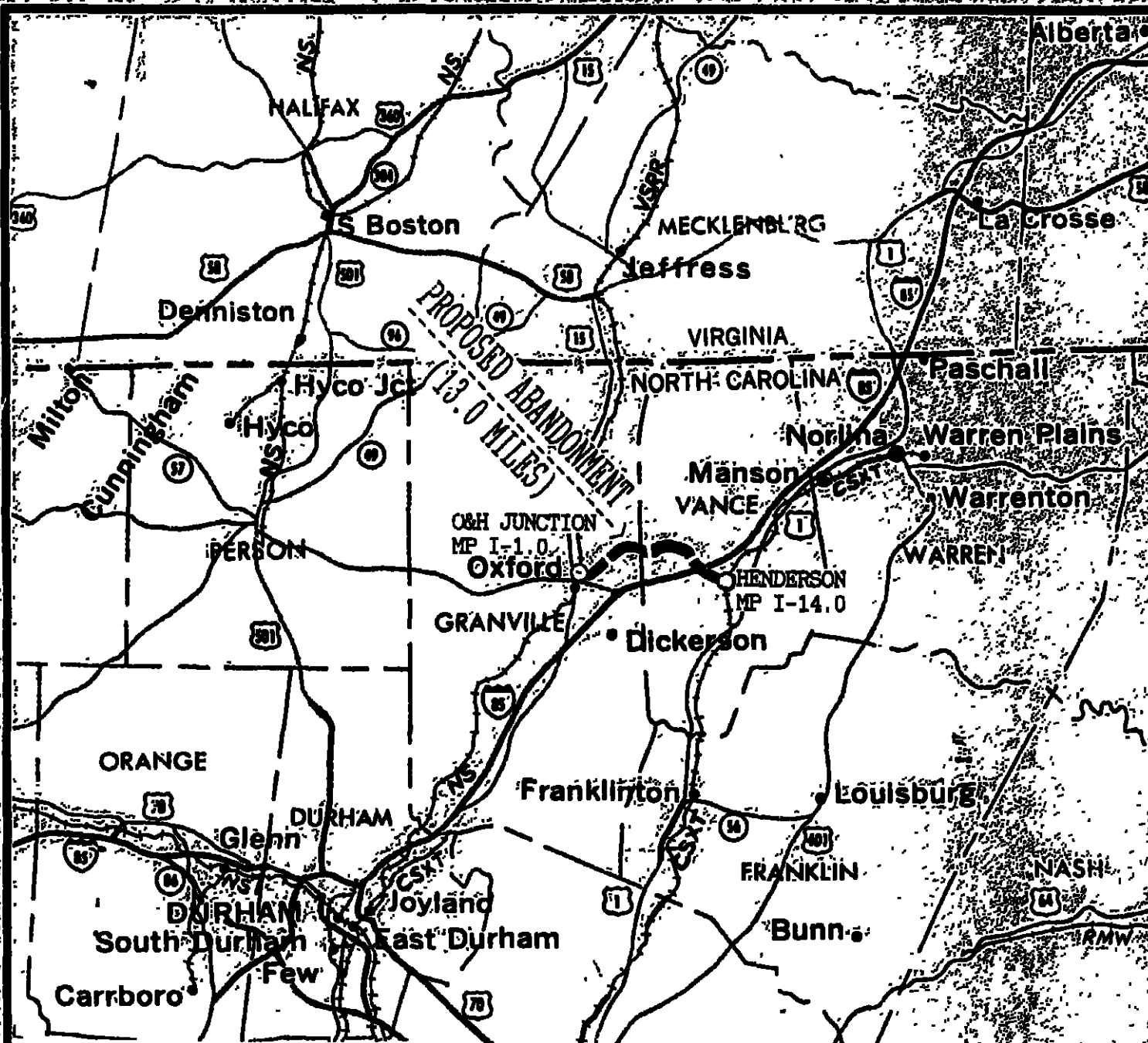
Subscribed and sworn to before me  
this 2nd day of June, 1995

Sandra J. Ruby  
Notary Public

My Commission expires:

MARCH 31, 1998

ALLIED REPROGRAPHICS 330449



SCALE: 1" = 10 MILES



DO NOT SCALE THIS DRAWING FOR DIMENSIONS NOT GIVEN

**NS NORFOLK SOUTHERN**
**NORFOLK SOUTHERN RAILWAY COMPANY**

OWNING COMPANY

OFFICE OF CHIEF ENGINEER - DESIGN &amp; CONSTRUCTION - ATLANTA, GA.

REV	BY	DATE	DESCRIPTION
LOCATION: O & H Jct. TO HENDERSON, NC			
TITLE: PROPOSED MAIN LINE ABANDONMENT			
BETWEEN MILEPOST 1.0 AND MILEPOST 14.0			
DGN	VAL	SEC	MAP
DGN: MHG	FILE: 197-256		
DATE: 1-10-95			
MILEPOST 1.0 TO 14.0			DRAWING NUMBER: TA 95-0004

CADD FILE: N/A



**Norfolk Southern Railway Company**  
**Pro Forma Traffic/Revenue Statement**

O&H Jct., North Carolina - Henderson, North Carolina  
From January 1, 1994 to December 31, 1994

Station	CL TR*	STCC	Cars	Tons	NS Revenue
Burkart, NC	2A	Lbr Timber	6	283	6,240
Burkart, NC	2A	Pulpwood	358	25,148	222,567
Burkart, NC	2A	Woodpulp	4	313	10,306
CLASS TOTAL			368	25,744	239,113
Burkart, NC	3A	Lbr Timber1	43	1,940	44,720
STATION TOTAL			411	27,684	283,833
Henderson, NC	2A	Air Fil	11	73	15,400
Henderson, NC	2B	Loco OW	2	200	3,242
Henderson, NC	2C	Cotton	28	1,459	27,418
Henderson, NC	2C	Diapers	1	20	819
Henderson, NC	2C	Railway Signals	1	7	4,405
Henderson, NC	2C	Stn Nat	41	3,846	40,795
Henderson, NC	2C	Toilet Paper	1	16	819
CLASS TOTAL			72	5,348	74,256
Henderson, NC	2D	Lbr Timber	21	1,864	35,428
Henderson, NC	2D	Scrap Paper	6	41	8,400
CLASS TOTAL			22	1,926	36,617
Henderson, NC	3C	Air Fil	6	41	8,400
Henderson, NC	3C	Cotton	26	964	25,889
Henderson, NC	3C	Cottonseed	2	93	400
Henderson, NC	3C	Lbr Timber	1	72	1,913
Henderson, NC	3C	Sodium Carbonate	184	18,202	380,990
Henderson, NC	3C	Sodium	7	718	16,475
CLASS TOTAL			226	20,282	438,449
STATION TOTAL			339	27,870	576,364
STUDY TOTAL			750	55,554	860,197

\* Class traffic 2A originates on-branch and terminates off-branch on the NS system (outbound from the branch). Class traffic 2B originates on CSXT, is received from CSXT which connects with the branch at Henderson, NC, and terminates off-branch on the NS system (outbound from the branch). Class traffic 2C originates off-branch on the NS system and terminates on the branch (inbound to the branch). Class traffic 2D originates off-branch on the NS system and is interchanged to CSXT which connects with the branch at Henderson, NC (inbound to the branch). Class traffic 3A originates on-branch, is interchanged off-branch on the NS system to another carrier where it terminates (outbound from the branch). Class traffic 3C originates on another carrier, is handled off-branch on the NS system and terminates on the branch (inbound to the branch).

**NORFOLK SOUTHERN RAILWAY COMPANY**  
**PRO FORMA INCOME STATEMENT**

RAILWAY OPERATING REVENUES AND EXPENSES\* ON THE O&H JCT. - HENDERSON LINE, A  
DISTANCE OF APPROXIMATELY 13.0 MILES, BETWEEN O&H JCT., NORTH CAROLINA, MILEPOST 1-  
1.0 AND HENDERSON, NORTH CAROLINA, MILEPOST 1-14.0.

	BASE YEAR 1 / ----- 750 CL	FORECAST YEAR 2 / ----- 155CL
REVENUES ATTRIBUTABLE FOR:		
1. Freight Orig. and/or Term. on Branch	\$832,435	\$169,107
a. Switching Payment	(78,750)	(33,000)
2. Bridge Traffic	27,762	27,762
3. All Other Revenue and Income		
4. TOTAL ATTRIBUTABLE REVENUE (Lines 1 through 3) (a)	\$781,447	\$163,869
AVOIDABLE COSTS FOR:		
5. ON-BRANCH COSTS:		
a. Way and Structures (b)	\$141,670	\$141,670
b. Equipment (c)	3,256	1,628
c. Transportation (d)	49,869	24,934
d. General and Administrative		
e. Deadheading, Taxi and Hotel		
f. Overhead Movement		
g. Freight Car Costs (Other Than Return) (e)	22,778	7,785
h. Return on Value - Locomotives (f)	0	0
i. Return on Value - Freight Cars (e)	51,922	14,458
j. Revenue Taxes		
k. Property Taxes		
l. TOTAL (Lines 5a through 5k)	\$269,495	\$190,475
m. Holding Gain (Loss) - Locomotives (f)	0	0
n. Holding Gain (Loss) - Freight Cars (e)	12,190	3,398
o. NET ON-BRANCH COSTS (Lines 5l - 5m+5n)	\$257,305	\$187,077
6. OFF-BRANCH COSTS: (g)		
a. Off-Branch Costs (Other Than Return)	\$547,131	\$117,515
b. Return on Value - Freight Cars	82,978	17,207
c. Holding Gain (Loss) - Freight Cars	19,381	4,025
d. NET OFF-BRANCH COSTS (Lines 6a + 6b - 6c)	\$649,490	\$130,697
7. TOTAL AVOIDABLE COSTS (Lines 5o + 6d)	\$906,795	\$317,774
SUBSIDIZATION COSTS FOR:		
8. Rehabilitation		210,000
9. Administrative Costs (Subsidy Year Only) (See Note 1)		
10. Casualty Reserve Account (See Note 1)		
11. TOTAL SUBSIDIZATION COST (Lines 8 through 10)		210,000
12. Valuation of Road Properties (See Note 2)		
a. Working Capital	10,037	7,529
b. Income Tax Consequences	( 89,074 )	( 89,074 )
c. Net Liquidation Value	228,395	228,395
d. TOTAL (Lines 12a through 12c)	149,358	146,850
13. Nominal Rate of Return (See Note 3)	16.6 %	16.6 %
14. Nominal Return on Value (Line 12d x 13)	24,793	24,377
15. Holding Gain (Loss) (See Note 4)		0
16. TOTAL RETURN ON VALUE (Line 14 - 15)	24,793	24,377
17. AVOIDABLE LOSS (PROFIT) FROM OPERATIONS (Lines 4 - 7)	125,348	153,905
18. AVOIDABLE LOSS INCLUDING RETURN ON VALUE (Lines 4 - 7+16)	150,141	138,282

\* Derived from Norfolk Southern Corporation (NS) combined railroad subsidiaries information.  
1/ January - December 1994 is the Base Year.  
2/ July 1995 - June 1996 is the Forecast Year.

Norfolk Southern Railway Company  
Pro Forma Income Statement

- (a) Attributable branch traffic and revenues are for seven-hundred-fifty (750) carloads. Four hundred twenty-two (422) cars originate on the branch; three hundred four (304) cars terminate on the branch. Twenty-two (22) cars are forwarded to CSXT, and two cars received from CSXT, at Henderson. Forecast year revenues are not indexed for inflation. The number of carloads is assumed to decrease to 155, due to the loss of the transportation contract for the sodium carbonate traffic and to the relocation of the Chesapeake Forest Products wood-yard off the branch.
- (b) The normalized annual Way and structures (WS) expenses to operate the branch between O&H Jct.-Henderson, Milepost 11.0 and 14.0, at the FRA Class II (25 MPH) track and safety standards for the year 1994 are \$141,670. WS expenses to operate the branch for the forecast year are not indexed for inflation, and are \$141,670.
- (c) Equipment includes repairs and maintenance locomotives, totaling \$2,919, which is calculated in accordance with provisions of 49 C.F.R. \$1152.33(b)(1), fringe benefits, totaling \$337, which is calculated in accordance with provisions of 49 C.F.R. \$1152.33(b)(3), and depreciation locomotives, totaling \$0, which is calculated in accordance with provisions of 49 C.F.R. \$1152.32(c) and \$1152.33(b)(2), totaling \$3,256 for the base year. See footnote (d) concerning the statement of the train operation on-branch. Forecast year expenses are one half the 1994 level due to operation on the branch one day per week instead of two days per week as in 1994, and are not indexed for inflation.
- (d) 1994 transportation expenses are based on the operation of a turnaround local train based at Durham, NC. The train leaves Durham and travels to Oxford, North Carolina. Two days per week, the local then travels to Henderson before returning to O & H Junction and Durham, and switches up to a possible two (2) customers on the branch along with the CSXT interchange track at Henderson. All but one of NS's customers at Henderson are located on and switched by CSXT, and served by NS through reciprocal switching.

1994 transportation expenses include train and engine crew (T&E labor (3 man crew, 4 hours overtime per trip on the branch), totaling \$29,455, which is calculated for the train operation on-branch, T&E material account 21-31-57, totaling \$39, which is calculated in accordance with the provisions of 49 C.F.R. \$1152.33(c)(1)(i), train inspection and lubrication, totaling \$1,397, which is calculated in accordance with provisions of 49 C.F.R. \$1152.33(c)(1)(i), locomotive fuel, totaling \$1,502, which is calculated in accordance with provisions of 49 C.F.R. \$1152.33(c)(1)(ii), servicing locomotives, totaling \$949, which is calculated in accordance with provisions of 49 C.F.R. \$1152.33(c)(1)(iv), and fringe benefits, totaling \$16,527, which is calculated in accordance with provisions of 49 C.F.R. \$1152.33(c)(4)(i), totaling \$49,869 for the base year.

Forecast year expenses are based on the same pattern of operation as in 1994, but with operation on the branch only one day per week instead of two days as in 1994, due to the small volume of traffic remaining on the branch after the loss of the sodium carbonate traffic by NS and the loss to the branch line of the traffic which until now has originated at Burkart, North Carolina.

Forecast year transportation includes train and engine crew (T&E labor (3 man crew, 4 hours overtime per trip on the branch), totaling \$14,728, which is calculated for the train operation on-branch, T&E material

account 21-31-57, totaling \$10, which is calculated in accordance with the provisions of 49 C.F.R. §1152.33(c)(1)(i), train inspection and lubrication, totaling \$699, locomotive fuel totaling \$751, servicing locomotives, totaling \$176, and fringe benefits totaling \$8,264, which is calculated in accordance with provisions of 49 C.F.R. §1152.33(c)(4)(i), totaling \$24,934 for the forecast year. Forecast year expenses are not indexed for inflation.

- (c) Calculated in accordance with provisions of 49 C.F.R. §1152.32(g)
- (f) Calculated in accordance with provisions of 49 C.F.R. §1152.32(h)
- (g) Off-branch costs are calculated in accordance with 49 C.F.R. §1152.32(n). Forecast year expenses are not indexed for inflation.

Norfolk Southern Railway Company  
Pro Forma Income Statement

- Note 1. Omitted in accordance with provisions of Footnote 2 in 49 C.F.R. §1152.36.
- Note 2. Total valuation of properties is the sum of working capital, income tax consequences and net liquidation value (NLV). Working capital is calculated in accordance with provisions of 49 C.F.R. §1152.34(c)(1)(i). The 1994 estimated income tax consequences are \$89,074; \$228,395 the net liquidation value of the track and structures between O & H Jct., North Carolina Milepost 1 - 1.0, and Henderson, North Carolina Milepost 1 - 14.0, all of which will be sold as scrap, multiplied by 39%, the F.I.T. and state tax rates, totaling \$89,074. The forecast estimated income tax consequences are \$89,074; \$228,395 the forecasted net liquidation value of the track and structures between O & H Jct., North Carolina and Henderson, North Carolina, multiplied by the 39% tax rate, totalling \$89,074. The fair market value of right-of-way land held in fee is not available at this time.
- Note 3. The nominal before tax cost of capital rate of 16.6% for the forecast year is based on Railroad Cost of Capital - 1993, Ex Parte No. 518, Service Date May 25, 1994.
- Note 4. Holding gain (loss) on road properties is calculated in accordance with provisions of 49 C.F.R. 1152.34(e) \$ 228,395, the net liquidation value of the O & H Jct. - Henderson line at the end of the forecast year, less \$228,395, the net liquidation value of the O & H Jct. - Henderson line for the current year and beginning of the forecast year, totalling \$ 0.

NORFOLK SOUTHERN RAILWAY COMPANY  
OPPORTUNITY COST STATEMENT

O&H Jct. - Henderson, North Carolina

1.	Current net liquidation value	\$228,395
2.	Cost of capital	x .166
3.	Nominal opportunity cost (line 1 times line 2)	\$ 37,914
4.	Holding gain (loss)	( 0 )
5.	Opportunity cost (line 3 less line 4)	\$ 37,914

<sup>1</sup> \$228,395, the net liquidation value for the line between O&H Jct. and Henderson at the end of the forecast year, less \$228,395, the net liquidation value for the line between O&H Jct. and Henderson for the current and beginning of the forecast year totaling \$0 holding gain.

<sup>2</sup> Based on Railroad Cost of Capital - 1993, Ex. Parte No. 518, Service Date May 25, 1994, the nominal before tax cost of capital is 16.6%.

**BEFORE THE  
INTERSTATE COMMERCE COMMISSION**

**DOCKET NO. AB-290 (SUB-NO. 172X)**

**NORFOLK SOUTHERN RAILWAY COMPANY  
-- ABANDONMENT --  
BETWEEN O & H JUNCTION AND HENDERSON IN  
GRANVILLE AND VANCE COUNTIES, NORTH CAROLINA**

**VERIFIED STATEMENT OF ED BOND**

My name is Ed Bond. I am Chief Engineer - Bridges and Structures for Norfolk Southern Railway Company. My business mailing address is Norfolk Southern Corporation, 99 Spring Street, Atlanta, Georgia, 30303. Norfolk Southern Railway Company is a wholly-owned subsidiary of Norfolk Southern Corporation.

This statement relates to Norfolk Southern Railway Company's (NSR) petition for exemption for regulation to abandon 13.0 miles of railroad between Milepost I-1.0 at O & H Junction, NC and Milepost I-14.0 at Henderson, NC (the O & H Junction - Henderson Line or the Line).

On this line segment is Bridge No. I-3.7 at approximately Milepost I-3.7 near Oxford, NC. This bridge is a 13-span timber

ballast deck bridge 176 feet in length, built in 1920.

Even with the use of treated timber, timber bridges have a finite life. Eventually, rot reduces the strength of wood components of timber bridges to the point they can no longer carry rail traffic. Bridge No. I-3.7 has already exceeded the average life expectancy for a timber bridge.

The parallel timber stringers or beams that support both the ballast as well as the weight of a train on Bridge No. I-3.7 have deteriorated from rot. The piling that supports the stringers has also rotted, but not yet as badly as the stringers.

Monthly inspections are now being performed to insure that this bridge can continue to carry trains. Critical timber components in the bridge have deteriorated to the point that replacement of the bridge is the most economical and feasible way to keep it in service. We anticipated that with continuing timber deterioration, few, if any, months of service life are left for this bridge without replacement or major repair. The cost of replacement of the bridge is estimated at \$210,000.00 (Two Hundred Ten Thousand Dollars).

Replacement or repair of this bridge may not be an economical option, considering current traffic density on the line.



VERIFICATION

STATE OF GEORGIA

}

}

ss:

COUNTY OF FULTON

}

}

ED BOND, being duly sworn, deposes and says that he is Chief Engineer - Bridges and Structures for Norfolk Southern Railway Company; that he is authorized to sign and verify the foregoing verified statement; that he has carefully examined all of the statements contained in said verified statement; that he has knowledge of the matters set forth therein and they are true and correct to the best of his knowledge, information, and belief.

*E. Bond*

Ed Bond

Subscribed and sworn to before me  
this 3rd day of June, 1995.

*F. J. Dullinger*  
Notary Public

My Commission Expires:

*Dec. 12, 1998*

NORTH CAROLINA,)  
)  
GRANVILLE COUNTY.)

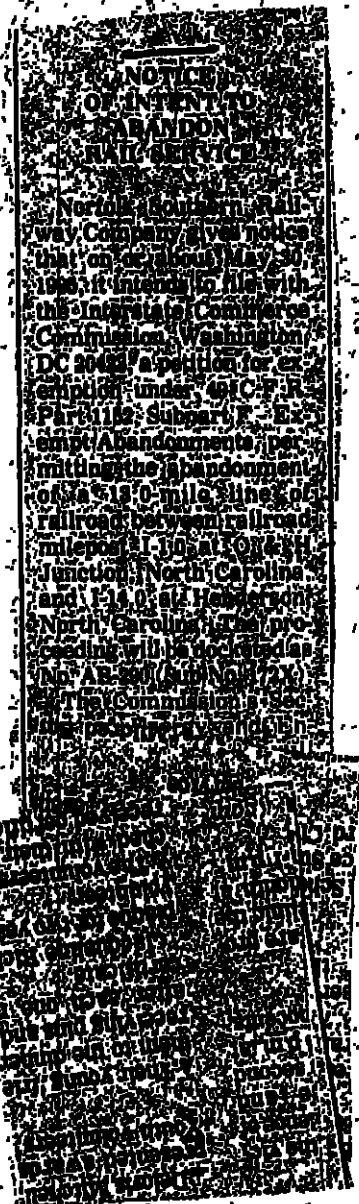
Ramie Cutchin, being first  
duly sworn, says that he is president  
of the Ledger Publishing Company, Inc., a  
North Carolina Corporation; publisher of the  
Oxford Public Ledger, a newspaper published  
semi-weekly in Granville County, North  
Carolina; that said newspaper has a general  
circulation to paid subscribers in Granville  
County, and has been admitted to the United  
States mail as second class matter in Oxford,  
Granville County, North Carolina, that he  
knows it to be a fact that the attached  
Notice of Abandon Rail Service  
was published in said newspaper once a week  
for ~~successive~~ successive weeks beginning with  
the issue of May 8, 1995 and ending  
with the issue of May 8, 1995.

Ramie Cutchin

Sworn to and subscribed before me this  
the 15th day of May, 1995.

Margaret S. Cutchin  
Notary Public

My Commission Expires May 10, 2000



CLIPPING OF LEGAL ADVERTISEMENT  
ATTACHED HERE

NOTICE OF INTENT  
TO ABANDON  
RAIL SERVICE

Norfolk Southern Railway Company gives notice that on or about May 30, 1995, it intends to file with the Interstate Commerce Commission, Washington, DC 20423, a petition for exemption under 49 C.F.R. Part 1152, Subpart F, Exempt Abandonments, permitting the abandonment of a 13.0-mile line of railroad between milepost 11.0 at O&H Junction, North Carolina, and 14.0 at Henderson, North Carolina. The proceeding will be docketed as No. AB-280 (Sub-No. 172X).

The Commission's Section of Energy and Environment (SEE) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the petition for exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Commission decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to SEE, Interstate Commerce Commission, Washington, DC 20423 or by calling that office at 202-927-6211.

Appropriate offers of financial assistance to continue rail service can be filed with the Commission. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Commission. An original and 10 copies of any pleading that raises matters other than environmental issues (such as rail use, public use, and offers of financial assistance) must be filed directly with the Commission's Office of the Secretary, 12th and Constitution Avenue, N.W., Washington, DC 20423. [See 49 C.F.R. §§ 1104.1 (a) and 1104.3 (a)], and one copy must be served on applicant's representative. [See 49 C.F.R. § 1104.12 (a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Commission's Office of Public Assistance at 202-927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative, James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-2181, (804) 629-2759.

NORTH CAROLINA,  
VANCE COUNTY.

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally

appeared Doris Hiland

who being first duly sworn, deposes and says: that he (she) is

Principal Clerk

(Owner, partner, publisher, or other officer or employee authorized to make this affidavit)

of Henderson Dispatch Co., Inc., engaged in the publication of a newspaper known as *Henderson Daily Dispatch*, published, issued, and entered as second class mail in the City of Henderson, in said County and State; that he (she) is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in *Henderson Daily Dispatch* on

the following dates: May 17, 1995

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina

This 17 day of May 1995

*Doris Hiland*  
(Signature of person making affidavit)

Sworn to and subscribed before me, this 17

day of May 1995

*Nellie B. Collett*  
Notary Public

My commission expires: 2-5-96

**ENVIRONMENTAL AND  
HISTORIC REPORTS**

**ENVIRONMENTAL REPORT ON  
PROPOSED RAIL LINE ABANDONMENT**

**NORFOLK SOUTHERN RAILWAY COMPANY  
(BETWEEN MP 1-1.0 AND MP 1-14.0)  
O & H JUNCTION TO HENDERSON, NORTH CAROLINA**

\*\*\*\*\*

**NORFOLK SOUTHERN RAILWAY COMPANY  
ENVIRONMENTAL PROTECTION DEPARTMENT  
110 FRANKLIN ROAD, S.E.  
ROANOKE, VIRGINIA 24042-0013**

**7491001T.054  
04-19-95**

**ENVIRONMENTAL REPORT ON  
PROPOSED RAIL LINE ABANDONMENT**

**Abandonment of: 13.0 miles of track between NP-1-1.0 AND NP-1-14.0 from O & H Junction to Henderson, North Carolina**

**1. PROPOSED ACTION AND ALTERNATIVES**

Norfolk Southern Railway Company (hereinafter called NS) proposes to abandon 13.0 miles of rail line which traverses through Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. A map delineating the line proposed for abandonment is attached as Appendix "A".

The alternatives to abandonment of this line are not to abandon or to discontinue service on the line and retain the trackage in place. Neither of these alternatives is economically feasible for NS.

**2. TRANSPORTATION SYSTEM**

Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. Within the last two years, approximately 1,300 carloads of rail freight has moved on the line segment proposed for abandonment. However, the major shipper on the line is relocating operations to Butner, North Carolina, a point with continuing rail service provided by NS. The only other shippers using the line are located on and served directly by CSXT, principally in Henderson, NC; or utilize a team track in Henderson, which can remain and be served from CSXT. Consequently, no customers will lose rail service as a result of the abandonment, and no rail traffic will be diverted to the highway mode as a result of the abandonment.

### 3. LAND USE

#### (i) Land Use Plans

The proposed abandonment involves about 13.0 miles of rail line located in Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. The land uses along the rail line to be abandoned are mostly agricultural and forested areas with some commercial businesses and residential areas.

With respect to effects of the proposed rail line abandonment on land use, NS believes any impact will be negligible. The small amount of traffic on the rail line proposed for abandonment indicates a substantial lack of rail dependent land uses in the service area. Inasmuch as only minuscule amounts of rail traffic move on the line to be abandoned, the abandonment is not expected to have any discernible effect on existing land use, future land use, land use plans, or the land use planning process. Due to this lack of impact, NS considers the proposed abandonment to be consistent with any land use plans for the service area.

#### (ii) Prime Agricultural Lands

No effects on any prime agricultural land are anticipated as a result of the abandonment.

(iii) Coastal Zone

Not Applicable

(iv) Alternative Public Use

NS does not have fee title to all of the right-of-way underlying the line proposed for abandonment. As such, upon abandonment, NS will not have a contiguous corridor available for future use. If an agreement to rail bank the involved right-of-way is not completed prior to abandonment, this factor, together with considerations related to location, physical condition, and adjacent conditions, leads NS to believe the right-of-way of the line proposed for abandonment would not be suitable for highways, other forms of mass transit, energy production related transportation facilities, conservation or recreation corridors, or other public use.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be affected by the abandonment.

(ii) Movement/Recovery of Recyclable Commodities

Movement/recovery of recyclable commodities will not be affected by the abandonment.



(iii) Impact on Energy Efficiency

From December 1992 to November 1993, NS estimates that approximately 553 cars were handled on the line proposed for abandonment. Based on the fact that the major shipper on the line is relocating to Butner, North Carolina, diversion of the traffic to another rail line would produce no significant energy impacts. Since no customers will lose rail service as a result of the abandonment, the proposed abandonment will have no effect on energy efficiency.

(iv) Diversion of Traffic to Motor Carriers

No traffic is expected to be diverted to motor carriers in connection with the proposed abandonment.

5. AIR

(i) Effects on Air Emissions

The proposed action will not result in either: (a) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least 8 trains a day on any segment of rail line affected by the proposal; or (b) an increase in rail yard activity of at least 100% (measured by carload activity). Based on the above threshold levels increases in air emissions do not need to be quantified.

(ii) Class I or Non-Attainment Area

NS does not believe any Class I or non-attainment areas would be affected by the proposed abandonment.

(iii) Ozone Depleting Materials

Not applicable. Action proposed is abandonment.

6. NOISE

Not applicable. None of the established analysis thresholds will be exceeded as a result of the proposed abandonment.

7. SAFETY

(i) Public Health and Safety

Abandonment of the captioned rail line will have no significant effect upon public health or safety. Because the traffic is being diverted to another rail line, the transaction will not have any significant effect on traffic safety.

(ii) Hazardous Materials Transport

Not applicable. Action proposed is abandonment.

(iii) Hazardous Waste or Hazmat Spill Sites

NS has no knowledge of any hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way of the line proposed for abandonment.

8. BIOLOGICAL RESOURCES

(i) Endangered Species/Critical Habitat

NS is not aware of any critical habitat which would be destroyed or modified as a result of the proposed abandonment. Since salvage operations will be handled generally within the right-of-way, NS does not believe that any endangered species which might be present would be adversely affected. NS is willing to undertake reasonable mitigating actions to protect any endangered species which might be encountered in connection with abandonment activities.

(ii) Sanctuaries, Refuges and Parks

To the best of NS's knowledge, the line segment proposed for abandonment does not pass through any parks, national forests, or wildlife sanctuaries. No adverse effects on any wildlife sanctuary, national park, or state park are anticipated.

## 9. WATER

### (i) Water Quality Standards

NS does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. Since there are no plans to undertake significant in-stream work (at most, some bridge piles, posts, and piers may be removed down to stream bottom level), or dredge and/or fill any materials in connection with the proposed abandonment, no water quality impacts are expected in connection with the proposed action. Therefore, NS considers the abandonment to be consistent with any applicable Federal, State, and/or local water quality standards.

### (ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment crosses Hick Creek and one unnamed waterway. While the line of railroad to be abandoned passes through 100-year flood plains and wetlands associated with these water courses, the existing roadbed will not be removed and the removal of rail and ties is not expected to produce any appreciable effect on the contours of the rail roadbed in these areas. Since the geometry of the roadbed will not be significantly altered and since the only in-stream work contemplated in connection with the abandonment would be at most removal of bridge piles, posts, and piers down to ground line or stream bottom level associated with the waterways, no discernible effects on either wetlands or 100-year flood plains are expected in connection with the proposed abandonment. Consequently, NS does not believe a Section 404 permit will be required in connection with the proposed abandonment.

(iii) Section 402 Permit

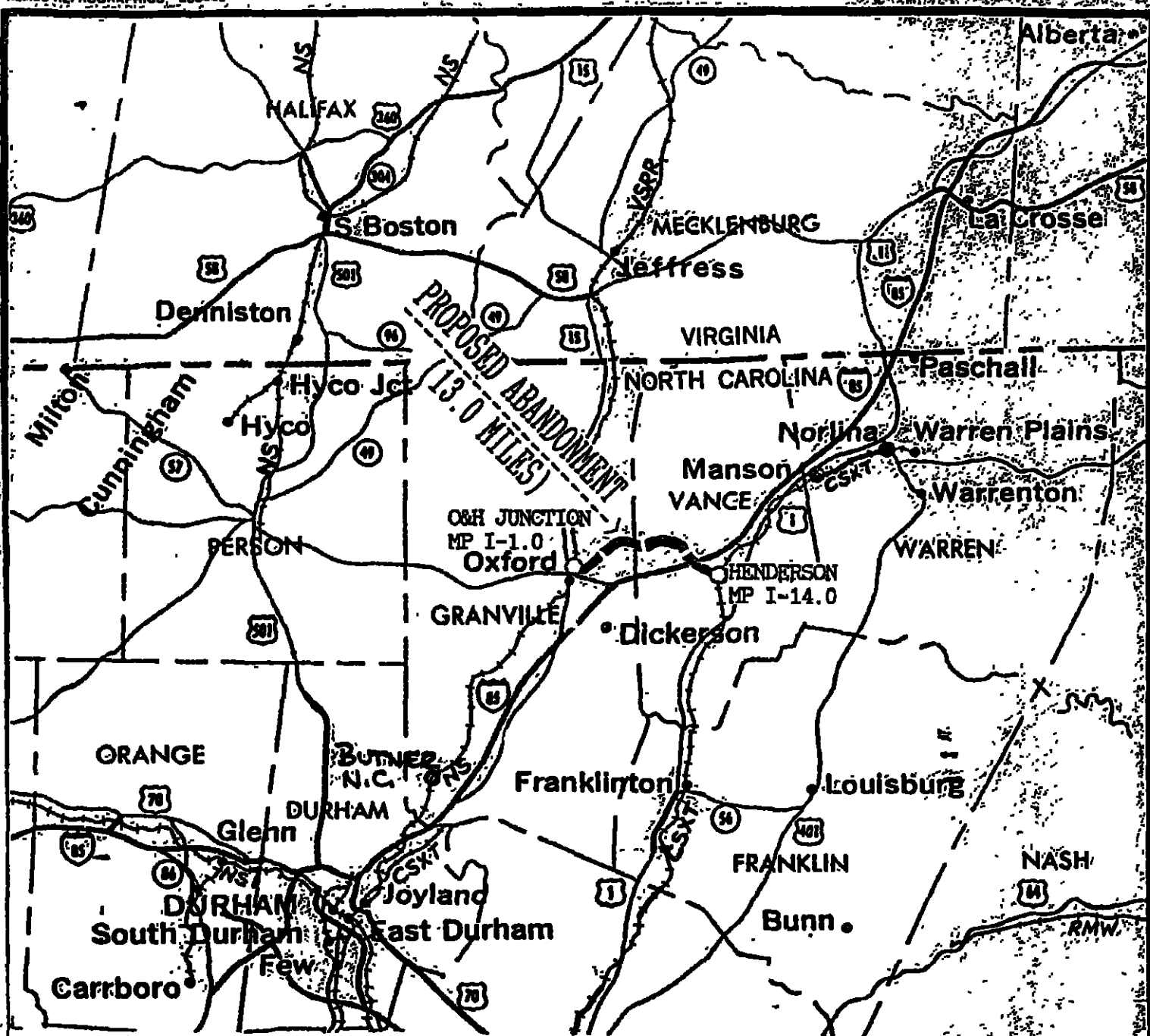
Inasmuch as NS does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned, undertake significant in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality effects should be negligible. NS does not believe that a permit under Section 402 of the Federal Water Pollution Control Act will be required.

10. PROPOSED MITIGATION

Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity associated with removal of rail, ties, and other railroad appurtenances will be produced by the proposed action. NS will undertake all reasonable mitigation associated with these activities to assure that physical work associated with the abandonment does not produce adverse environmental impacts.

# "APPENDIX A"

ALLIED REPROGRAPHICS - 330449



SCALE: 1" = 10 MILES



DO NOT SCALE THIS DRAWING FOR DIMENSIONS NOT GIVEN

**NS NORFOLK SOUTHERN**

**Norfolk Southern Railway Company**

OWNING COMPANY

OFFICE OF CHIEF ENGINEER - DESIGN & CONSTRUCTION - ATLANTA, GA.

REV.	BY	DATE	DESCRIPTION
LOCATION: O & H JCT. TO HENDERSON, NC			
TITLE: PROPOSED MAIN LINE ABANDONMENT			
BETWEEN MILEPOST 1-1.0 AND MILEPOST 1-14.0			
CON.	VAL.	SEC.	MAP
CON. MHG	FILE	197-256	
CHK.	DATE	1-18-95	
MILE POST 1-1.0 TO 1-14.0			DRAWING NUMBER
			TA 95-0004

CADD FILE: N/A  
FIELD BOOK: 1122

CHECK: 1 OF 1

**ATTACHMENT # 1**

**RECORD OF CONSULTATIONS AND CORRESPONDENCE**

**O & H JUNCTION TO HENDERSON,  
NORTH CAROLINA**

\*\*\*\*\*

**ENVIRONMENTAL PROTECTION**

7491001T.068

950526

## AGENCY CONSULTATIONS

AGENCY: Mr. Gregory Wilder  
Granville County Planning Commission  
County Administration Building  
P. O. Box 877  
145 Williamsboro Street  
Oxford, North Carolina 27565  
(919) 603-1331

COMMENT: Mr. Wilder called on May 15, 1995 at 10:55 a.m. He has no comments regarding the abandonment at this time.

---

AGENCY: Ms. Cheryl Hart  
Oxford Planning Director  
P O Box 1307  
Oxford, North Carolina 27565  
(919) 603-1110

COMMENT: Ms. Hart called on May 10, 1995 at 2:22 p.m. She has no comments regarding the abandonment at this time.

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AGENCY: Mr. John W. Lewis, Jr  
Granville County Manager  
P. O. Box 906  
Oxford, North Carolina 27565  
(919) 693-5240

COMMENT: Mr. Lewis called on May 23, 1995 at 9:47 a.m. He has no objections to the abandonment at this time.

---

AGENCY: Mr. Allie G. Ellington  
Mayor, City of Oxford  
P. O. Box 1307  
Oxford, North Carolina 27565  
(919) 603-1100

COMMENT: Called Mr. Ellington on May 10, 1995 at 9:23 a.m. and left a message. Called Mr. Ellington on May 11, 1995 at 8:45 a.m. and left a message. Called Mr. Ellington on May 24, 1995 at 4:00 p.m. and left a message. To this date we have not received any comments from Mr. Ellington but will forward them when we receive them.



### AGENCY CONSULTATION

AGENCY: Mr. Steven Woodruff, District Conservationist  
USDA Natural Resources Conservation Service  
Room 108, Federal Building  
146 Main Street  
Oxford, North Carolina 27565  
(919) 693-4603

COMMENT: Called Mr. Woodruff on May 10, 1995 at 9:25 a.m. He has no comments regarding the abandonment at this time.

---

AGENCY: Mr. Richard A. Gallo, State Conservationist  
USDA Natural Resources Conservation Service  
4405 Bland Road, Suite 205  
Raleigh, North Carolina 27609  
(919) 790-2888

COMMENT: Called Mr. Gallo on May 10, 1995 at 9:30 a.m. and talked to Mike Hinton. He said they have no comments regarding the abandonment at this time.

---

AGENCY: Mr. Ken Schuster, Regional DEM Supervisor  
Department of Environmental Health and Natural Resources  
3800 Barrett Drive  
Raleigh, North Carolina 27609  
(919) 571-4700

COMMENT: Called Ms. Stacy Julian of DEHNR on May 19, 1995 at 7:41 a.m. They have no comments regarding the abandonment other than to ensure we are complying with the states no open burning regulations. Ms. Judy Garrett, Water Quality Supervisor for DEHNR, called on May 25, 1995 at 2:50 p.m. She said that if we have not done sampling along the proposed rail line abandonment then NSRC may be responsible if it is found that spills have occurred along the rail line.

---

AGENCY: Mr. Benny Finch  
Henderson Director of Planning  
P. O. Box 2017  
Henderson, North Carolina 27536  
(919) 492-2094

COMMENT: Called Mr. Finch on May 11, 1995 at 9:50 a.m. He has no problems with the abandonment at this time.

### AGENCY CONSULTATIONS

AGENCY: Mr. Jerry Ayscue  
Vance County Manager  
122 Young Street  
Finance Office  
Henderson, North Carolina 27536  
(919) 492-2141

COMMENT: Called Mr. Ayscue on May 10, 1995 at 9:52 a.m. and left a message. Called Mr. Ayscue on May 23, 1995 at 9:12 a.m. Mr. Ayscue is going to fax his comments to me. Called Mr. Ayscue on May 26, 1995 at 10:16 a.m. and left a message. To this date we have not received any comments from Mr. Ayscue but when we receive them we will forward them.

---

AGENCY: Mr. Eric Williams  
Henderson City Manager  
P. O. Box 1434  
Henderson, North Carolina 27536  
(919) 492-6111 ext 206

COMMENT: Called Mr. Williams on May 10, 1995 at 9:54 a.m. and left a message. Called on May 23, 1995 at 9:17 a.m. and left a message for Mr. Williams. Called Mr. Williams on May 24, 1995 at 4:02 p.m. and left a message. Called Mr. Williams on May 25, 1995 at 3:08 p.m. and left a message. To this date we have not received any comments from Mr. Williams but as soon as we receive them we will forward them.

---

AGENCY: Mr. Brent Bogue  
District Conservationist  
USDA Natural Resources Conservation Service  
Room 1, County Office Building  
305 Young Street  
Henderson, North Carolina 27536  
(919) 438-5727

COMMENT: Called Mr. Bogue on May 10, 1995 at 9:56 a.m. He has no comments regarding the abandonment at this time.

## AGENCY CORRESPONDENCE

AGENCY: Mr. Bill Spitzer, Director  
National Park Service  
Attn: Mr. Thomas Iurino  
P. O. Box 37127  
Washington, DC 20013-7127  
(202) 343-3709

COMMENT: See attachment #1

---

AGENCY: Ms. L. K. Mike Gantt  
Field Supervisor  
US Fish and Wildlife Service  
P. O. Box 33276  
Raleigh, North Carolina 27636-3726  
(919) 856-4520

COMMENT: See attachment #2.

---

AGENCY: Dr. Gerald Miller  
Environmental Policy Section  
US Environmental Protection Agency  
345 Courtland Street, Northeast  
Atlanta, Georgia 30365  
(404) 347-3776

COMMENT: See attachment # 3.

---

AGENCY: Mr. John Thomas  
Area Coordinator  
US Army Corp of Engineers  
6512 Falls of the Neuse Road, Suite 105  
Raleigh, North Carolina 27615  
(404) 347-3776

COMMENT: See attachment # 4.

AGENCY CORRESPONDENCE

AGENCY Mrs. Chrys Baggett, Director  
State Clearinghouse  
North Carolina Department of Administration  
116 West Jones Street, Suite 506  
Raleigh, North Carolina 27603-8003  
(919) 733-7232

COMMENT See attachment # 5.

7491001T.068

ATTACHMENT # 1



WPM:VH:HTO

## United States Department of the Interior

### NATIONAL PARK SERVICE

Southeast Regional Office

75 Spring Street, S.W.

Atlanta, Georgia 30303



L5602(SER-PA)

April 24, 1995

Mr. Robert G. Young  
Mayor  
City of Henderson  
Post Office Box 1434  
Henderson, North Carolina 27536

Dear Mr. Young:

I recently received a notice from Norfolk Southern Corporation announcing their intention to abandon 13.0 miles of rail corridor in Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. I thought that you might be interested in the conversion of this abandoned rail line to a real regional asset - a hiking/biking trail.

Around the nation, numerous communities (over 1000 as of early 1995) have recognized the opportunities presented by these abandoned corridors. None of these communities wanted to lose rail traffic or the local economic benefits of the railroad, but developing a community asset such as a multi-purpose recreation and transportation trail can help to replace this lost income to the community. Trails such as these, referred to as "rail-trails", can improve the overall quality of life in and around Henderson by providing a safe place for children to ride their bikes and older people to walk and enjoy life; by encouraging older businesses to remain in the area and new businesses to relocate there; by improving property values of landowners near the trail; and by providing a nearby place for all area citizens to exercise, socialize and enjoy nature.

All of this can be accomplished at very minimal costs; in 1991, Congress enacted legislation, the Intermodal Surface Transportation Efficiency Act (ISTEA), that provides funding to states to develop transportation systems that are sufficient for automobile travel and also for other forms of transportation - bikes, walkers, mass transit. The ISTEA provides funding to develop bike and pedestrian trails for transportation between neighborhoods and parks and businesses, and it also provides funding to acquire abandoned rail corridors for this same purpose. ISTEA funding is just one of many funding sources available to you for projects such as this; the primary objective needs to be to sell the idea to the citizens and area political leaders, with support comes funding.

I've also enclosed basic information on the process required to protect a rail corridor for trail use. Once the railroad files for abandonment, the time a community or a citizens' group has to act is very limited (around 30 days). If you are interested in pursuing this unique opportunity for Henderson, I would suggest that you do several things:

- Contact H. B. Wyche, Jr. at Norfolk Southern Corporation at 703-981-4456, and discuss your interest in "railbanking" this corridor for possible future transportation use with trail use in the interim and filing for a "public use condition" which will allow you 180 days to negotiate acquisition with the railroad.
- Use the enclosed sample form on "railbanking" and filing for a "public use condition" as a guide and develop a letter to the Interstate Commerce Commission requesting these two actions.
- Contact several sources of technical assistance in the State of North Carolina:

Al Capehart  
North Carolina Rail Trails  
704 Ninth Street, Suite 124  
Durham, NC 27705  
919-493-6394

Tom Potter  
North Carolina Dept. of Natural Resources and Community Development  
Route 2, Box 50  
Seven Springs, NC 28578  
919-778-9488

Curtis Yates  
North Carolina Bike and Pedestrian Coordinator  
North Carolina Dept. of Transportation  
Post Office Box 25201  
Raleigh, NC 27611  
919-733-2804

Maryanne Fowler  
Rails-to-Trails Conservancy  
1400 Sixteenth Street NW, Suite 300  
Washington, DC 20036  
202-797-5400

- Act quickly!

If I can be of any further assistance, please call me at (404)-331-5838.

Sincerely,

(sgn) Christopher Abbett

Chris Abbett  
Outdoor Recreation Planner  
Southeast Region

Enclosures

cc:

Al Capehart, NCRT

Tom Potter, NC DNR&CR

Curtis Yates, NC DOT

Maryanne Fowler, RTC

Tom Iurino, NPS-WASO

Ralph Peace, Henderson Parks and Recreation Director



Atlanta, Georgia 30403

All of this can be accomplished at very minimal costs; in 1991, Congress enacted legislation the Intermodal Surface Transportation Efficiency Act (ISTEA), that provides funding to states to develop transportation systems that are sufficient for automobile travel and also for other forms of transportation - bikes, walkers, mass transit. The ISTEA provides funding to develop bike and pedestrian trails for transportation between neighborhoods and parks and businesses and it also provides funding to acquire abandoned rail corridors for this same purpose. ISTEA funding is just one of many funding sources available to you for projects such as this; the primary objective needs to be to sell the idea to the citizens and area political leaders - with support comes funding.



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- Contact H. B. Wyche, Jr. at Norfolk Southern Corporation at 703-981-4456 and discuss your interest in "railbanking" this corridor for possible future transportation use with trail use in the interim and filing for a "public use condition" which will allow you 180 days to negotiate acquisition with the railroad.
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- Act quickly!

If I can be of any further assistance, please call me at (404)-331-5838.

Sincerely,

→ (sgn) Christopher Abbett

Chris Abbett  
Outdoor Recreation Planner  
Southeast Region

Enclosures

cc:

Al Capehart, NCRT  
Tom Potter, NC DNR&CR  
Curtis Yates, NC DOT  
Maryanne Fowler, RTC  
Tom Iurino, NPS-WASO  
Robert G. Young, Henderson Mayor



ATTACHMENT # 2

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services

Post Office Box 33726

Raleigh, North Carolina 27636-3726

May 11, 1995

Ms. Tiffany A. Tilley  
Norfolk Southern Corporation  
110 Franklin Road, S.E.  
Roanoke, Virginia 240242-0013



Dear Ms. Tilley:

This in response to your April 19, 1995, request for U.S. Fish and Wildlife Service comments on the proposed abandonment of 13.0 miles of rail line from the Town of Oxford in Granville County to the Town of Henderson in Vance County, North Carolina. These comments are provided in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401 as amended; 16 U.S.C. 661 et seq.) and Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

The attached pages identify the Federally-listed endangered and candidate species that are known to occur in Granville and Vance Counties. Candidate species refers to any species being considered by the Service for listing as endangered or threatened but not yet the subject of a proposed rule. These species are not legally protected under the Act or subject to its provisions, including Section 7, until formally proposed or listed as threatened or endangered. Although candidate species have no legal status and are accorded no protection under the Act, their inclusion will alert you of potential proposals or listing. Therefore, it would be prudent for you to avoid any adverse impacts to candidate species or their habitat.

Based on the location and description of the proposed rail line abandonment, we believe that the majority of the Federally-listed species known to occur in Vance and Granville Counties will not be adversely impacted by the rail line removal. However, one Federally-listed endangered plant species, the smooth coneflower (*Echinacea laevigata*) is known to occur in Granville County on a nearby rail line right-of-way. This species appears to be dependent upon some form of disturbance to maintain an open quality of habitat. Disturbed areas, such as railroads and maintained highway right-of-ways, provide habitat with little competition for light by other plant species. Additional information on the smooth coneflower is provided in the enclosed material. If appropriate habitat for the smooth coneflower is found within the project impact area, we recommend surveys be conducted for this Federally-listed endangered species. If surveys indicate that the smooth coneflower is located within the project area, the project has the potential to adversely affect this species, and you should contact this office for further information before proceeding with the project.

We appreciate the opportunity to review and provide comments on the proposed project. If you have any questions, please contact Kate Looney of this office at (919) 856-4520 ext 16.

Sincerely,

L.K. Mike Gantt  
Supervisor

REVISED APRIL 19, 1995

Granville County

Plants

- Harporella (Ptilimnium nodosum) - E  
Smooth coneflower (Echinacea laevigata) - E

Clams

- Dwarf wedge mussel (Alasmidonta heterodon) - E

There are species which, although not now listed or officially proposed for listing as endangered or threatened, are under status review by the Service. These Candidate (C1 and C2) species are not legally protected under the Act, and are not subject to any of its provisions, including Section 7, until they are formally proposed or listed as threatened or endangered. We are providing the below list of candidate species which may occur within the project area for the purpose of giving you advance notification. These species may be listed in the future, at which time they will be protected under the Act. In the meantime, we would appreciate anything you might do for them.

Clams

- Atlantic pigtoe (mussel) (Fusconaia masoni) - C2  
Green floater (Lasmodon subviridis) - C2  
Yellow lance (mussel) (Elliptio lanceolata) - C2  
Yellow lampmussel (Lampsilis cariosa) - C2

Plants

- Heller's trefoil (Lotus purshianus var. helleri) - C2  
Large-flowered barbara's buttons (Marshallia grandiflora) - C2  
Serpentine aster (Aster depauperatus) - C2  
Tall larkspur (Delphinium exaltatum) - C2

REVISED APRIL 19, 1995

Vance County

Birds

Bald eagle (Haliaeetus leucocephalus) - E

Clams

Dwarf wedge mussel (Alasmidonta heterodon) - E

There are species which, although not now listed or officially proposed for listing as endangered or threatened, are under status review by the Service. These "Candidate" (C1 and C2) species are not legally protected under the Act, and are not subject to any of its provisions, including Section 7, until they are formally proposed or listed as threatened or endangered. We are providing the below list of candidate species which may occur within the project area for the purpose of giving you advance notification. These species may be listed in the future, at which time they will be protected under the Act. In the meantime, we would appreciate anything you might do for them.

Clams

Atlantic pigtoe (Fusconaia masoni) - C2

Yellow lampmussel (Lampsilla cariosa) - C2

Yellow lance (mussel) (Elliptio lanceolata) - C2

8/93

## SMOOTH CONEFLOWER

### Echinacea laevigata

FAMILY: Asteraceae

STATUS: Endangered. Federal Register. October 8, 1992

DESCRIPTION: Smooth coneflower is a rhizomatous perennial herb that grows up to 1.5 meters tall from a vertical root stock. The stems are smooth with few leaves. The largest leaves are the basal leaves, which reach 20 centimeters in length and 7.5 centimeters in width, have long stems, and are elliptical to broadly lanceolate, tapering to the base, and smooth to slightly rough. Mid-stem leaves have shorter stems or no stems and are smaller in size than the basal leaves. The rays of the flowers (petal-like structures) are light pink to purplish, usually drooping, and 5 to 8 centimeters long. Flower heads are usually solitary. Flowering occurs from May through July. The fruit is a gray-brown, oblong-prismatic achene, usually four-angled, and 4 to 4.5 millimeters long. Seeds are .5 centimeters long (Kral 1983, Radford et al. 1964, McGregor 1968, Cronquist 1980, Gaddy 1991, and Wofford 1989).

RANGE AND POPULATION LEVEL: The reported historical range of Echinacea laevigata included Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Arkansas. The species is now known to survive only in Virginia, North Carolina, South Carolina, and Georgia. Six populations survive in Virginia, six in North Carolina, seven in South Carolina, and three in Georgia. Previous reports from Alabama and Arkansas are now believed to have been misidentifications (Gaddy 1991). The Virginia populations are in Pulaski, Montgomery, Campbell, Franklin, and Allegany Counties. The North Carolina populations are in Durham and Granville Counties, and the South Carolina populations are in Oconee and Allendale Counties. (Three additional South Carolina populations, in Aiken and Allendale Counties, are believed to have been introduced.) The Georgia populations are in Stephens County. Most of the populations are small, containing less than 100 plants each. Four of the populations contain less than 10 plants each.

HABITAT: The habitat of smooth coneflower is open woods, cedar barrens, roadsides, clearcuts, dry limestone bluffs, and power line rights-of-way, usually on magnesium- and calcium-rich soils associated with limestone (in Virginia), gabbro (in North Carolina and Virginia), diabase (in North Carolina and South Carolina), and marble (in South Carolina and Georgia). Optimal sites are characterized by abundant sunlight and little competition in the herbaceous layer (Gaddy 1991). Natural fires, as well as large herbivores, are part of the history of the vegetation in this species' range; many of the associated herbs are also cormophytic, sun-loving species, which depend on periodic disturbances to reduce the shade and competition of woody plants (Kral 1983 and Gaddy 1991).

Radford, A. E., H. Ahles, and C. R. Bell. 1978. Manual of the vascular flora of the Carolinas, UNC Press. Chapel Hill. 1:183pp

Wofford, B. E. 1989. Guide to the vascular plants of the Blue Ridge. University of Georgia Press. Athens, GA. P. 164

For more information please contact:

Ms. Nora Murdock  
U.S. Fish and Wildlife Service  
330 Ridgefield Court  
Asheville, North Carolina 28806

Telephone: 704/665-1195, ext. 231

Mr. Alan Weakley  
Natural Heritage Program  
North Carolina Department of Environment,  
Health, and Natural Resources  
Post Office Box 27687  
Raleigh, North Carolina 27611

Telephone: 919/733-7701

Mr. Cecil Frost or Ms. Marge Boyer  
Plant Conservation Program  
North Carolina Department of Agriculture  
Post Office Box 27647  
Raleigh, North Carolina 27611

Telephone: 919/733-3610

Dr. Bert Pittman  
Heritage Trust  
South Carolina Wildlife and  
Marine Resources Department  
Post Office Box 167  
Columbia, South Carolina 29202

Telephone: 803/734-3893



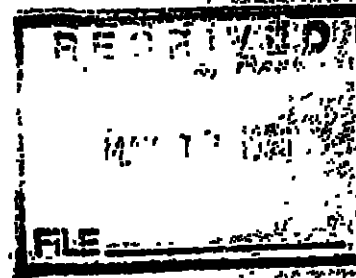
# ATTACHMENT # 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

May 10, 1995



4PM/FAB/cmh

Interstate Commerce Commission  
Section of Energy and Environment (SEE)  
Room 3219  
Washington, DC 20423

**SUBJ: File 7491.001 (7491001T.055); Environmental Report; Norfolk Southern Railway Company; Proposed Abandonment of 13.0 Miles of Rail Line Located between O&B Junction and Henderson, NC from Milepost I-1.0 and Milepost I-14.0; Grayville and Vance County; Cities of Oxford and Henderson, NC**

Dear ICC Reviewer:

The U.S. Environmental Protection Agency (EPA) has reviewed the Environmental Report for the above-referenced railway abandonment project in North Carolina, proposed by your Norfolk Southern Railway Company (NS) applicant. Given the preliminary nature of the report EPA received with the applicant's letter dated March 29, 1995, we offer the preliminary comments presented below for consideration by the U.S. Interstate Commerce Commission (ICC).

EPA has reviewed numerous railroad abandonment proposals regarding NS proposals similar to the present one and has provided comments to the ICC and copied the applicant. We note and appreciate that responses to some (although not all) of our previous comments have been incorporated into the present report (and presumably any future such reports). It is requested that further consideration of our additional comments (routine and any new comments) that were not incorporated should also be provided by the ICC.

EPA offers the following preliminary comments on the proposal:

■ **ALTERNATIVES** - EPA recommends that the environmental impacts, if any, of the alternatives not considered "economically feasible for NS" be identified and briefly compared to the impacts of the proposed action. Specifically, the impacts of not abandoning the line or discontinuing line service and retaining the trackage should be/should have be discussed and compared to the proposed line abandonment (future reports should include such a determination).

■ **IMPACTS** - Based on the report provided, it appears that the impacts of the proposed 13.0-mile railway abandonment need not be substantive. However, the report presents some conclusory statements that we believe should be substantiated before any action is taken by the ICC. In general, more definite statements should have already been provided in the report (to the extent impacts can be researched and determined) prior to the applicant's circulation of the report to relevant resource agencies and ultimately to the ICC (for future reference, any subsequent reports should already provide such information). Examples include:



■ Land Use (3.i) - EPA recommends that the report briefly indicate what the land use plan for the area proposes and then relate if and why the proposed abandonment is compatible with that plan (future reports should include such a discussion). EPA notes that land use along the line is characterized as consisting of "mostly agricultural and forested areas with some commercial businesses and residential areas."

Also relative to land use, will any potentially separated neighborhoods or bisected forests be reunited? Will any mode of transportation crossing the railroad be improved in the proposed absence of the railroad? Will the ROW be maintained or allowed to naturally revegetate? Will the ROW be commensurate with the existing adjacent land use along the line?

■ Prime-Agricultural Lands (3.ii) - The report states that "no effects on any prime agricultural land are anticipated as a result of abandonment." Will proposed abandonment reunite any bisected farms?

■ Alternative Public Use (3.iv) - The report indicates that NS does not have fee title to all of the rail line right-of-way (ROW) -- and therefore would not have a contiguous corridor for alternative use after proposed abandonment -- and apparently also believes that the ROW is not suitable for other public use (unless an agreement to rail bank the ROW is approved before abandonment). However, it is unclear if local officials or resource agencies such as the U.S. Fish and Wildlife Service (FWS) have commented on possible ROW reuse alternatives.

■ Energy (4.i) - Although it follows from previous sections of the abandonment proposal, we recommend that the statement "development and transportation of energy resources will not be affected by the abandonment" be briefly substantiated in this section and in future reports.

■ Air (5.i, 5.ii) - We note and appreciate the inclusion of air quality thresholds requested in past reviews of railroad abandonment proposals. However, this section should discuss the air quality effects of any emissions from equipment needed to salvage rails and ties during the proposed line abandonment. Will such equipment be tuned periodically to minimize emissions?

It is also stated that "NS does not believe any Class I or non-attainment areas would be affected by the proposed abandonment." We have verified that there are no non-attainment areas for any pollutants for Grayville and Vance County, NC. However, for future reference, we believe this should have already been further researched by the applicant (and any potential effects reasonably predicted) as part of the report and should be included in future reports. If it was researched, the basis of the statement should have been provided. The U.S. Department of the Interior (DOI) should be consulted regarding Class I areas.

■ Noise (6) - Unlike the air thresholds, the referenced "established analysis thresholds" for noise (which have been

requested for inclusion in past reviews) were not provided in the report. These should be included in any future reports for abandonment proposals.

EPA does not agree that noise impacts from the proposed action are "not applicable" as stated, although they may not be substantive (especially when compared to former train usage of the track) or exceed the referenced noise thresholds. Nevertheless, while these thresholds and other noise "guidelines" may or may not be exceeded (or even exist in this application) due to the proposed action and sensitive residential receptors may or may not be far removed from the site (this should be clarified), generation of temporary above-ambient noise levels can be expected during salvage operations. What would maximum/average noise levels be from such an operation and how do they compare to the noise thresholds?

■ Hazardous Waste or Hazmat Spill Sites (7.iii) - We note that "NS has no knowledge" of any hazardous waste spills or known sites along the ROW. What research/review was conducted to determine if any hazardous waste spills have occurred or sites exist along the ROW? Such substantiation should also be provided in future reports on abandonment proposals.

■ Biological Resources (8)

Endangered Species/Critical Habitat (8.i) - What are the federally-listed endangered species that range in the area, and are any known to exist along or near the ROW? Is any of the habitat adjacent to the line considered "critical habitat" to any listed species? Would any such habitat be enhanced or disturbed by the proposed project? Future abandonment reports should already provide such information. Confirmation from the FWS is advised. EPA notes and concurs with the NS commitment that "NS is willing to undertake reasonable mitigating actions to protect any endangered species which might be encountered in connection with abandonment activities."

Sanctuaries, Refuges and Parks (8.ii) - It should be determined (with a documented source such as a USGS or recent aerial map, ground survey, or agency) if the line does or does not pass through any parks, forests, or wildlife sanctuaries (future reports should include such a determination). The appropriate resource agency (such as FWS) should then be consulted/copied for verification.

■ Water (9.i, 9.ii, 9.iii) - We note that the line to be abandoned crosses Hick Creek and an unnamed waterway. Because the line roadbed is not proposed for appreciable removal or alteration and no discernible effects on wetlands is expected, "...NS does not believe a 404 wetland permit will be required." However, because the report also indicates that some in-stream work will be performed ("at most, some bridge piles, posts, and piers may be removed down to stream bottom level"), the U.S. Army Corps of Engineers (COE) should be consulted regarding any wetland impacts to jurisdictional wetlands. Also, if such wetlands exist along the ROW, all construction staging areas should avoid such wetlands.

Regarding permitting requirements under Section 402 of the Clean Water Act involving point source discharges to waters of the United States, EPA has authorized the State of North Carolina to administer the National Pollutant Discharge Elimination System (NPDES) Permit Program (with EPA program oversight being retained). However, EPA still has primacy over storm water NPDES permitting for construction sites, which may or may not apply for abandonment activities (depending on the existence of point source discharges into water of the U.S., the amount of acreage considered under construction along the line, etc.). If applicable, coverage under the EPA General Permit ("Storm Water Discharges from Construction Sites") issued on September 25, 1992 would be needed. EPA encourages the applicant's further coordination with the State of North Carolina or EPA/Region 4 regarding water quality management and NPDES permitting requirements.

Regardless of wetland or NPDES permitting requirements, the potential for soil erosion exists during proposed salvaging of rails and ties and bridge structures. Soil erosion should be minimized through use of state construction Best Management Practices (BMPs). Will the areal extent of disturbed areas be kept to a minimum and limited to the ROW? Will access and staging areas be involved? Is mulching and grass re-seeding proposed for disturbed construction areas along the railbed? Will state construction BMPs be followed? Future reports should already include such discussion.

■ Proposed Mitigation (10) - We note the commitment that "NS will undertake all reasonable mitigation associated with these activities to assure that physical work associated with the abandonment does not produce adverse environmental impacts." EPA encourages mitigation of impacts in general or as specifically recommended by the various review/permitting agencies.

EPA appreciates the opportunity to review the preliminary environmental report at this time. We recommend that the applicant apply these comments to revise the present environmental report and for the preparation of any future reports for proposed abandonments. Per NS request, we have provided a copy of these comments to the applicant. Should you have questions, feel free to contact Chris Hoberg of my staff at 404/347-3776 (x6845).

Sincerely,



Heinz J. Mueller, Chief  
Environmental Policy Section

cc: Ms. Tiffany A. Tilley  
Norfolk Southern Railway Company  
110 Franklin Road, SE  
Roanoke, VA 24042-0013

REPLY TO  
ATTENTION OF

ATTENTION: 4

DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 1220  
WILMINGTON, NORTH CAROLINA 28402-1220



May 22, 1995

Regulatory Branch

Action ID: 199503127

Mr. H.B. Wyche, Jr.  
Norfolk Southern Railway Co.  
Environmental Protection  
110 Franklin Road, SE  
Roanoke, Virginia 24042-0013

Dear Mr. Wyche:

Reference is made to your environmental report dated April 19, 1995, on the proposed rail line abandonment located in Granville and Vance Counties, North Carolina, between Oxford and Henderson, over Coon Creek, Nutbush Creek and unnamed tributaries.

Review of your report indicates that your abandonment would not involve any removal of existing roadbed. Your proposed instream work will involve the removal of bridge piles, posts, and piers down to the existing ground line or stream bottom level. We concur with your findings that no discernible impacts to Waters of the United States will result from your proposed rail line abandonment. Accordingly, Department of the Army permit authorization subject to Section 404 of the Clean Water Act will not be required to undertake the proposed activity.

Please be reminded that no excavated or fill materials may be placed in any waters or wetland areas at any time without prior Federal permit authorization. Please contact this office for any future proposed impacts in any water or wetland areas for a determination of Department of the Army permit requirements.

Questions or comments may be addressed to Mr. Eric Aleneyer, Raleigh Regulatory Field Office, telephone (919) 878-8441, extension 23.

Sincerely,

*E. David Furubaker*

for  
G. Wayne Wright  
Chief, Regulatory Branch

-2-

## Copies Furnished:

Mr. Mike Coughlin  
Environmental Engineer  
Wake County Community  
Development Services  
Post Office Box 550  
Raleigh, North Carolina 27602

City of Raleigh  
Inspections Department  
Attn.: Mr. Mike Johnson  
Post Office Box 590  
Raleigh, North Carolina 27602

Mr. Larry Odum  
Wake County Planning Dept.  
Wake County Agricultural Center, Rm. 111  
Nashville, North Carolina 27856

Mr. John Dorney  
Water Quality Section  
Division of Environmental Management  
North Carolina Department of  
Environment, Health and  
Natural Resources  
Post Office Box 27687  
Raleigh, North Carolina 27611-7687

M208

ATTACHMENT # 5

NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
116 WEST JONES STREET  
RALEIGH NORTH CAROLINA 27603-8003

05-16-95

INTERGOVERNMENTAL REVIEW COMMENTS

MAILED TO:

INTERSTATE COMMERCE COMMISSION  
SECT OF ENG & ENV  
SECT. OF ENERGY & ENV./RM 3219  
WASHINGTON, D.C. 20423

FROM:

MRS. CHRYS BAGGETT  
DIRECTOR  
N.C. STATE CLEARINGHOUSE

PROJECT DESCRIPTION:

NORFOLK SOUTHERN RAILWAY COMPANY ABANDONMENT OF 13.0 MILES OF  
RAIL LINE LOCATED FROM O & H JUNCTION TO HENDERSON

SAI NO 95E00000780 PROGRAM TITLE - DIR. FED. DEV.

THE ABOVE PROJECT HAS BEEN SUBMITTED TO THE NORTH CAROLINA  
INTERGOVERNMENTAL REVIEW PROCESS. AS A RESULT OF THE REVIEW THE FOLLOWING  
IS SUBMITTED: ( ) NO COMMENTS WERE RECEIVED

( X ) COMMENTS ATTACHED

SHOULD YOU HAVE ANY QUESTIONS, PLEASE CALL THIS OFFICE (919) 733-7232.

C.C. REGION K  
NORFOLK SOUTHERN CORPORATION



## North Carolina Department of Cultural Resources

James B. Hunt, Jr., Governor  
Betty Ray McCain, Secretary

Division of Archives and History  
William S. Price, Jr., Director

May 10, 1995

James R. Paschall  
General Attorney  
Norfolk Southern Corporation  
Law Department  
Three Commercial Place  
Norfolk, Virginia 23510-2191

Re: Abandonment of 13.0 miles of rail line between  
O&H Junction and Henderson, Docket No. AB-290  
(Sub No. 172X), Granville/Vance Counties, CH 95-  
E-0000-0780

Dear Mr. Paschall:

We have received information concerning the above project from the State Clearinghouse, as well as your letter of May 1, 1995.

We have conducted a review of the project and are aware of no properties of architectural, historic, or archaeological significance which would be affected by the project. Therefore, we have no comment on the project as currently proposed.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act of 1966 and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106, codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

Sincerely,

David Brook  
Deputy State Historic Preservation Officer

DB:slw

cc: ✓ State Clearinghouse  
Interstate Commerce Commission, Washington, DC

ATTACHMENT #2

COPIES OF TRANSMITTAL LETTERS





**NORFOLK  
SOUTHERN**

Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S E  
Roanoke, Virginia 24042-0013  
703 981-4456

H. B. Wyche, Jr.  
Assistant Vice President

April 19, 1995  
File: 7491.001

Mr. Bill Spitzer, Director  
National Park Service  
Attn: Mr. Thomas Iurino  
P. O. Box 37127  
Washington, DC 20013-7127

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost I-1.0 and milepost I-14.0.

Dear Mr. Spitzer:

In July 1995, we expect to be filing with the Interstate Commerce Commission an application seeking authority to abandon 13.0 miles of rail line located in Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the ICC's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Commission's environmental review process, please contact the Section of Energy and Environment (SEE), Room 3219, Interstate Commerce Commission, Washington, D. C. 20423, Telephone (202) 927-6211 and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Commission in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the ICC, we must receive your comments within three weeks. Please either provide copy of your comments or provide information by telephone directly to our representative. Our representative in this matter is Tiffany A. Tilley who may be contacted by telephone at (703) 981-4069 or by mail at the address shown on the letterhead.

Sincerely yours;

NORFOLK SOUTHERN RAILWAY COMPANY

*H. B. Wyche, Jr.*  
H. B. Wyche, Jr.

ATTACHMENT  
cy: Mr. J. R. Paschall

74910011.055



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013  
703 981-4456

April 19, 1995  
File: 7491.001

H. B. Wyche, Jr.  
Assistant Vice President

Mr. Gregory Wilder  
Granville County Planning Director  
County Administration Building  
P. O. Box 877  
145 Williamsboro Street  
Oxford, North Carolina 27565

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost I-1.0 and milepost I-14.0.

Dear Mr. Wilder:

In July 1995, we expect to be filing with the Interstate Commerce Commission an application seeking authority to abandon 13.0 miles of rail line located in Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely yours,

NORFOLK SOUTHERN RAILWAY COMPANY

H. B. Wyche, Jr. *per TAT*  
H. B. Wyche, Jr.

ATTACHMENT  
cy: Mr. J. R. Paschall

7491001T:055



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013  
703 981-4456

April 19, 1995  
File: 7491.001

H. B. Wyche, Jr.  
Assistant Vice President

Mr. John W. Lewis  
Granville County Manager  
P. O. Box 906  
Oxford, North Carolina 27565

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost 1-1.0 and milepost 1-14.0.

Dear Mr. Lewis:

In July 1995, we expect to be filing with the Interstate Commerce Commission an application seeking authority to abandon 13.0 miles of rail line located in Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely yours,

NORFOLK SOUTHERN RAILWAY COMPANY

*H. B. Wyche, Jr.*  
H. B. Wyche, Jr.

ATTACHMENT  
cy: Mr. J. R. Paschall

7491001T-055



Norfolk Southern Corporation  
Environmental Protection

110 Franklin Road, S E  
Roanoke, Virginia 24042-0013  
703 981-4456

April 19, 1995

File: 7491.001

H. B. Wyche, Jr.  
Assistant Vice President

Mr. Steven Woodruff  
District Conservationist  
USDA Natural Resources Conservation Service  
Room 108, Federal Building  
146 Main Street  
Oxford, North Carolina 27565

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost I-1.0 and milepost I-14.0.

Dear Mr. Woodruff:

In July 1995, we expect to be filing with the Interstate Commerce Commission an application seeking authority to abandon 13.0 miles of rail line located in Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely yours,

NORFOLK SOUTHERN RAILWAY COMPANY

*H. B. Wyche, Jr. per TAT*  
H. B. Wyche, Jr.

ATTACHMENT  
cy: Mr. J. R. Paschall

7491001T-055



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013  
703 981-4456

H. B. Wyche, Jr.  
Assistant Vice President

April 19, 1995  
File: 7491.001

Mr. Richard A. Gallo  
State Conservationist  
USDA Natural Resources Conservation Service  
4405 Bland Road, Suite 205  
Raleigh, North Carolina 27609

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost I-1.0 and milepost I-14.0.

Dear Mr. Gallo:

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Sincerely yours,

NORFOLK SOUTHERN RAILWAY COMPANY

H. B. Wyche, Jr. per TAT  
H. B. Wyche, Jr.

ATTACHMENT  
cy: Mr. J. R. Paschall

7491001T.055



**NORFOLK  
SOUTHERN**

Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S E  
Roanoke, Virginia 24042-0013  
703 981-4456

H. B. Wyche, Jr.  
Assistant Vice President

April 19, 1995  
File: 7491.001

Mr. Allie G. Ellington  
Mayor of Oxford  
P. O. Box 1307  
Oxford, North Carolina 27565

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost I-1.0 and milepost I-14.0.

Dear Mr. Ellington:

In July 1995, we expect to be filing with the Interstate Commerce Commission an application seeking authority to abandon 13.0 miles of rail line located in Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely yours,

NORFOLK SOUTHERN RAILWAY COMPANY

*H. B. Wyche, Jr. per TAT*  
H. B. Wyche, Jr.

ATTACHMENT

cy: Mr. J. R. Paschall

7491001T.055



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013  
703 981-4456

H. B. Wyche, Jr.  
Assistant Vice President

April 19, 1995  
File: 7491.001

Ms. Cheryl Hart  
Oxford Planning Director  
P. O. Box 1307  
Oxford, North Carolina 27565

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost I-1.0 and milepost I-14.0.

Dear Ms. Hart:

In July 1995, we expect to be filing with the Interstate Commerce Commission an application seeking authority to abandon 13.0 miles of rail line located in Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely yours,

NORFOLK SOUTHERN RAILWAY COMPANY

*H. B. Wyche, Jr. per TAT*  
H. B. Wyche, Jr.

ATTACHMENT  
cy: Mr. J. R. Paschall

7491001-055



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013  
703 981-4456

H. B. Wyche, Jr.  
Assistant Vice President

April 19, 1995  
File: 7491.001

Ms. L. K. Mike Gantt  
Field Supervisor  
US Fish and Wildlife Service  
P. O. Box 33726  
Raleigh, North Carolina 27636-3726

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost I-1.0 and milepost I-14.0.

Dear Ms. Gantt:

In July 1995, we expect to be filing with the Interstate Commerce Commission an application seeking authority to abandon 13.0 miles of rail line located in Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely yours,

NORFOLK SOUTHERN RAILWAY COMPANY

*H. B. Wyche, Jr. per TAT*  
H. B. Wyche, Jr.

ATTACHMENT

ENC. 1 D. B. B. B. B.

7491001T.001





Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013  
703 981-4456

H. B. Wyche, Jr.  
Assistant Vice President

April 19, 1995  
File: 7491.001

Mr. Ken Schuster  
Regional DEM Supervisor  
Department of Environmental Health and Natural Resources  
3800 Barrett Drive  
Raleigh, North Carolina 27609

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost 1-1.0 and milepost 1-14.0.

Dear Mr. Schuster:

In July 1995, we expect to be filing with the Interstate Commerce Commission an application seeking authority to abandon 13.0 miles of rail line located in Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely yours,

NORFOLK SOUTHERN RAILWAY COMPANY

*H. B. Wyche, Jr. per TAT*  
H. B. Wyche, Jr.

ATTACHMENT  
cy: Mr. J. R. Paschall

7491001-055



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S E  
Roanoke, Virginia 24042-0013  
703 981 4456

H. B. Wyche, Jr.  
Assistant Vice President

April 19, 1995  
File: 7491.001

Dr. Gerald Miller  
Environmental Policy Section  
US Environmental Protection Agency  
345 Courtland Street, Northeast  
Atlanta, Georgia 30365

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost I-1.0 and milepost I-14.0.

Dear Dr. Miller:

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Sincerely yours,

NORFOLK SOUTHERN RAILWAY COMPANY

*H.B. Wyche, Jr.*  
H. B. Wyche, Jr. TAT

ATTACHMENT  
cy: Mr. J. R. Paschall

7491001T.055



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S E  
Roanoke, Virginia 24042-0013  
703 981-4456

April 19, 1995  
File: 7491.001

H. B. Wyche, Jr.  
Assistant Vice President

Mr. John Thomas  
Area Coordinator  
US Army Corp of Engineers  
6512 Falls of the Neuse Road, Suite 105  
Raleigh, North Carolina 27615

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost 1-1:0 and milepost 1-14:0.

Dear Mr. Thomas:

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Sincerely yours,

NORFOLK SOUTHERN RAILWAY COMPANY

H. B. Wyche, Jr.  
H. B. Wyche, Jr. *per TTT*

ATTACHMENT  
cy: Mr. J. R. Paschall

7491001T.055



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013  
703 981-4456

H. B. Wyche, Jr.  
Assistant Vice President

April 19, 1995  
File: 7491.001

Mrs. Chrys Baggett, Director  
State Clearinghouse  
North Carolina Department of Administration  
116 West Jones Street, Suite 506  
Raleigh, North Carolina 27603-8003

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost I-1.0 and milepost I-14.0.

Dear Mrs. Baggett:

In July 1995, we expect to be filing with the Interstate Commerce Commission an application seeking authority to abandon 13.0 miles of rail line located in Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely, yours,

NORFOLK SOUTHERN RAILWAY COMPANY

*H. B. Wyche, Jr.* *PH*  
H. B. Wyche, Jr.

ATTACHMENT  
cv: Mr. J. R. Paschall

7491001-055



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013  
703 981-4456

April 19, 1995  
File: 7491.001

H. B. Wyche, Jr.  
Assistant Vice President

Mr. Benny Finch  
Henderson Director of Planning  
P. O. Box 2017  
Henderson, North Carolina 27536

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost I-1.0 and milepost I-14.0.

Dear Mr. Finch:

In July 1995, we expect to be filing with the Interstate Commerce Commission an application seeking authority to abandon 13.0 miles of rail line located in Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely yours,

NORFOLK SOUTHERN RAILWAY COMPANY

*H. B. Wyche, Jr.*  
H. B. Wyche, Jr.

ATTACHMENT

cy: Mr. J. R. Paschall

7491001T.055



**NORFOLK  
SOUTHERN**

Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013  
703 981-4456

H. B. Wyche, Jr.  
Assistant Vice President

April 19, 1995  
File: 7491.001

Mr. Jerry Ayscue  
Vance County Manager  
122 Young Street  
Finance Office  
Henderson, North Carolina 27536

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost I-1.0 and milepost I-14.0.

Dear Mr. Ayscue:

In July 1995, we expect to be filing with the Interstate Commerce Commission an application seeking authority to abandon 13.0 miles of rail line located in Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Your comments will be considered by the Commission in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the ICC, we must receive your comments within three weeks. Please either provide copy of your comments or provide information by telephone directly to our representative. Our representative in this matter is Tiffany A. Tilley who may be contacted by telephone at (703) 981-4069 or by mail at the address shown on the letterhead.

Sincerely yours,

NORFOLK SOUTHERN RAILWAY COMPANY

*H. B. Wyche, Jr. per*  
H. B. Wyche, Jr.

ATTACHMENT  
cy: Mr. J. R. Paschall

7491001T-055



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013  
703 981-4456

April 19, 1995  
File: 7491.001

H. B. Wyche, Jr.  
Assistant Vice President

Mr. Eric Williams  
Henderson City Manager  
P. O. Box 1434  
Henderson, North Carolina 27536

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost I-1.0 and milepost I-14.0.

Dear Mr. Williams:

In July 1995, we expect to be filing with the Interstate Commerce Commission an application seeking authority to abandon 13.0 miles of rail line located in Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely yours,

NORFOLK SOUTHERN RAILWAY COMPANY

*H. B. Wyche, Jr.* Per  
H. B. Wyche, Jr. TAT

ATTACHMENT  
cy: Mr. J. R. Paschall

7491001T.055



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013  
703 981-4456

April 19, 1995  
File: 7491.001

H. B. Wyche, Jr.  
Assistant Vice President

Mr. Brent Bogue  
District Conservationist  
USDA Natural Resources Conservation Service  
Room 1, County Office Building  
305 Young Street  
Henderson, North Carolina 27536

Re: Norfolk Southern Railway Company  
Abandonment of 13.0 miles of rail  
line located from O & H Junction  
to Henderson, North Carolina between  
milepost I-1.0 and milepost I-14.0.

Dear Mr. Bogue:

In July 1995, we expect to be filing with the Interstate Commerce Commission an application seeking authority to abandon 13.0 miles of rail line located in Granville County, Vance County and the cities of Oxford and Henderson, North Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the ICC's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Commission's environmental review process, please contact the Section of Energy and Environment (SEE), Room 3219, Interstate Commerce Commission, Washington, D. C. 20423, Telephone (202) 927-6211 and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to our representative) would be appreciated within 3 weeks.

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Sincerely yours,

NORFOLK SOUTHERN RAILWAY COMPANY

*H. B. Wyche, Jr. PIV*  
H. B. Wyche, Jr. TAT

ATTACHMENT  
cy: Mr. J. R. Paschall

7491001T-055



**ATTACHMENT #3**

**HISTORIC REPORT**



## North Carolina Department of Cultural Resources

James B. Hunt, Jr., Governor  
Betty Ray McCain, Secretary

Division of Archives and History  
William S. Price, Jr., Director



May 10, 1995

James R. Paschall  
General Attorney  
Norfolk Southern Corporation  
Law Department  
Three Commercial Place  
Norfolk, Virginia 23510-2191

Re: Abandonment of 13.0 miles of rail line between  
O&H Junction and Henderson, Docket No. AB-290  
(Sub-No. 172X), Granville/Vance Counties, CH 95-  
E-0000-0780

Dear Mr. Paschall:

We have received information concerning the above project from the State Clearinghouse, as well as your letter of May 1, 1995.

We have conducted a review of the project and are aware of no properties of architectural, historic, or archaeological significance which would be affected by the project. Therefore, we have no comment on the project as currently proposed.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act of 1966 and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106, codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

Sincerely,

*David Brook*  
David Brook  
Deputy State Historic Preservation Officer

DB:slw

cc: State Clearinghouse  
Interstate Commerce Commission, Washington, DC



**NORFOLK  
SOUTHERN**

Norfolk Southern Corporation  
Law Department  
Three Commercial Place  
Norfolk, Virginia 23510-2191

James R. Paschall  
General Attorney

Writer's Direct Dial Number

(804) 629-2759

May 1, 1995

Mr. William S. Price, Jr., Director  
Division of Archives and History  
Department of Cultural Resources  
109 East Jones Street  
Raleigh, NC 27601-2807

Re: Docket No. AB-290 (Sub-No. 172X), Norfolk Southern Railway  
Company -- Abandonment -- Between O&H Junction and  
Henderson, North Carolina

Dear Mr. Price:

On or about June 15, 1995, we expect to be filing with the Interstate Commerce Commission an application seeking authority to abandon 13.0 miles of rail line located between Milepost I-1.0 at O&H Junction and Milepost I-14.0 at Henderson, North Carolina. Attached is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the ICC's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Commission's environmental review process, please contact the Section of Energy and Environment (SEE), Room 3219, Interstate Commerce Commission, Washington, D. C. 20423, Telephone (202) 927-6211, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Commission in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at the above telephone number or address.

Yours very truly,

  
James R. Paschall

JRP/sg

HISTORIC REPORT  
PROPOSED RAIL LINE ABANDONMENT

**PROPOSED ACTION AND ALTERNATIVES**

Norfolk Southern Railway Company (NS) proposes to abandon 13.0 miles of rail line between O & H Junction, North Carolina and Henderson, North Carolina. A map delineating the line proposed for abandonment is attached as Appendix "A".

The alternatives to abandonment of the line are to not abandon or to discontinue service on the line, retaining the trackage in place. Neither of these alternatives is economically feasible for NS.

**ADDITIONAL INFORMATION**

- (1) U.S.G.S. Topographic Map -- Maps were furnished to the North Carolina Division of Archives and History.
- (2) Written Description of Right of Way -- The right of way is generally 40 feet wide on each side of the main track centerline. The line passes through mostly agricultural and forested areas.
- (3) Photographs -- Photographs were furnished to the North Carolina Division of Archives and History.
- (4) Date of Construction of Structures -- Dates of construction are shown on the Bridges and Structures Listing attached to this report.

(5) History of Operations and Changes Contemplated The 13.0-

mile line segment to be abandoned is part of an 14-mile Norfolk Southern Railway Company branch line between Oxford, NC and Henderson, NC. The 13.0-mile segment to be abandoned is between Milepost 1-1.0 at O&H Junction, NC and Milepost 1-14.0 at Henderson, NC. The 1-mile segment between Milepost 1-0.0 at Oxford, NC and Milepost 1-1.0 at O&H Junction, NC will be retained.

The line at issue was originally built by the Oxford and Henderson Railroad Company. This company was incorporated in 1871 for the purpose of constructing and operating a railroad between some point on the Raleigh and Gaston Railroad at Henderson, NC to a point within one mile of the courthouse in Oxford, NC.

Work was not started on the Oxford and Henderson rail line until 1879 when Oxford township (together with some private interests) subscribed to sufficient stock to provide funds to begin the work. Grading of the Oxford and Henderson Railroad line was begun in that year or in 1880. Funds were depleted before rails could be purchased and the line could be completed. Therefore, to complete the project, on November 30, 1880, the Oxford and Henderson Railroad Company leased the line to Mr. Archibald H. A. Williams. Mr. Williams, who was the secretary of the company, was backed by the Richmond Terminal Company. Mr. Williams opened the line on August 16,

1881 but was unable to make a connection with the Raleigh and Gaston Railroad for several years.

The Oxford and Henderson Railroad operated as a local enterprise in Mr. Williams' name for six years. The real owner of the lease, however, was the Richmond Terminal Company. In 1887, Mr. Williams purchased the stock of the Oxford and Henderson Railroad Company that was held by Oxford township. He transferred this stock to the Richmond Terminal Company. On June 1, 1887, Mr. Williams surrendered his lease of the property back to the Oxford and Henderson Railroad Company.

Mr. Williams' interest in the line in 1881 consisted of both stock and securities. On July 1, 1887 a first mortgage was taken on the property by the Richmond and Danville Railroad system in order to secure the bonds.

The Richmond and Danville Railroad Company leased the Oxford and Henderson Railroad Company property on October 30, 1888. The line then connected with other properties operated by Richmond and Danville Railroad, including Oxford and Clarksville and Clarksville and North Carolina Railroads.

Through foreclosure of the mortgage in 1894, the Oxford and Henderson Railroad bonds came into possession of the newly-formed Southern Railway Company, successor to the Richmond Terminal Company and Richmond and Danville Railroad Company. The lease of the Oxford and Henderson line to the Richmond and Danville was abrogated on July 1, 1894. Southern

Railway Company, which purchased the Oxford and Henderson Railroad Company stock from the Richmond Terminal Company reorganization committee, took charge of the property on that date. The Oxford and Henderson Railroad Company deeded the line to Southern Railway Company on September 4, 1894. Thus Oxford and Henderson Railroad Company's separate existence ended. The line has been operated as a part of the Southern Railway Company lines since that date.

On June 1, 1982, Norfolk and Western Railway Company and Southern Railway Company, and their subsidiaries, consolidated as subsidiaries of Norfolk Southern Corporation.

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company.

In recent years, business and industry in the area served by the instant line of railroad declined or closed or changed in character so that there is no demand or need for rail transportation from the locations along this line of track. The change contemplated in the operation of the line of railroad track specified above is to abandon this unused, unneeded and unproductive line of railroad.

- (6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic -- Plans may be available for some structures.
- (7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places -- It is carrier's opinion that

none of the structures on the line to be abandoned meets the criteria for listing in the National Register of Historic Places. The structures are on the line are short in length and ordinary in design and construction. One of them is a new highway overpass. There is nothing that distinguishes the bridges from others in the region. The line runs through mostly agricultural and forested areas. Carrier has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

- (8) Subsurface Ground Conditions That Might Affect Archaeological Recovery -- Carrier is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.
- (9) Follow-Up Information -- Additional information, if available, will be provided as appropriate.



MP 1-2.00



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MP 1-2.00

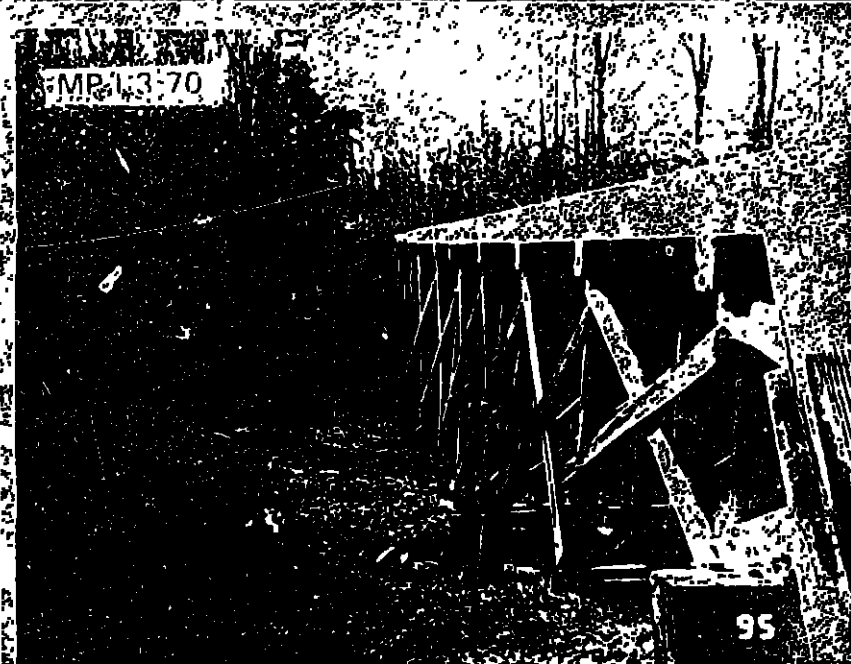


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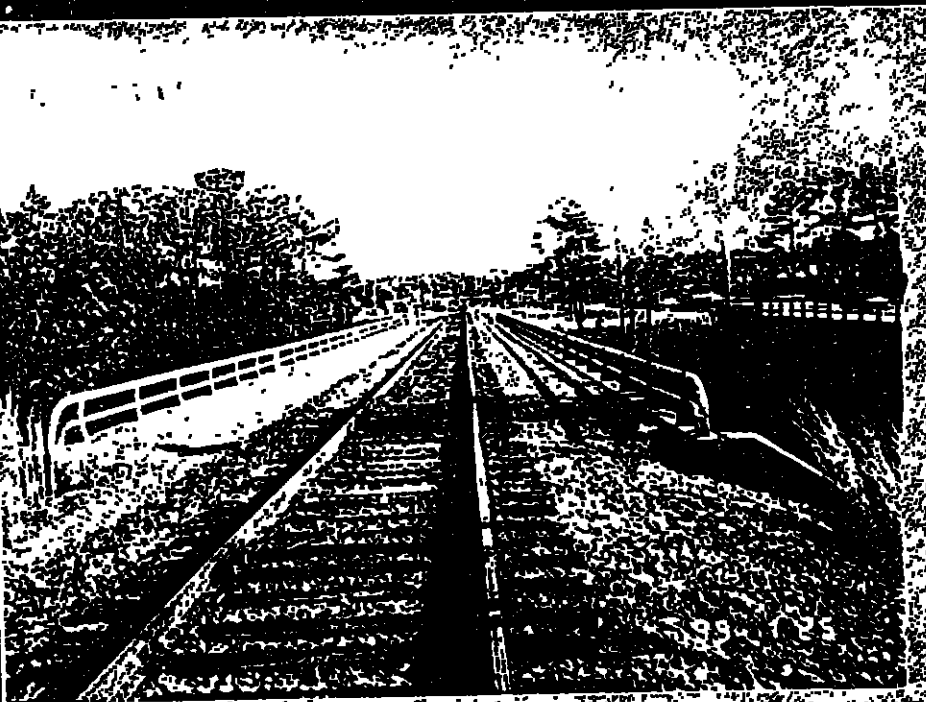
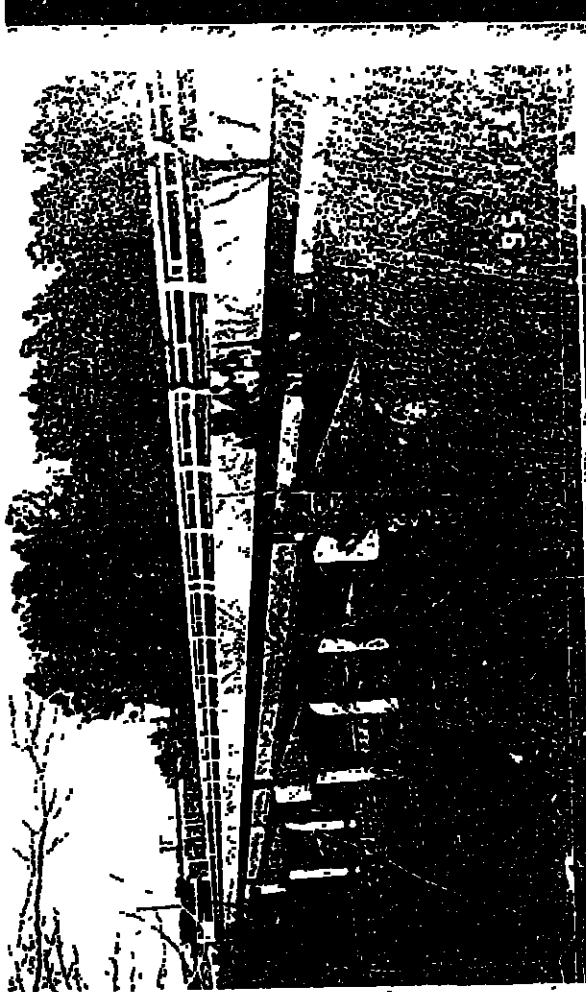
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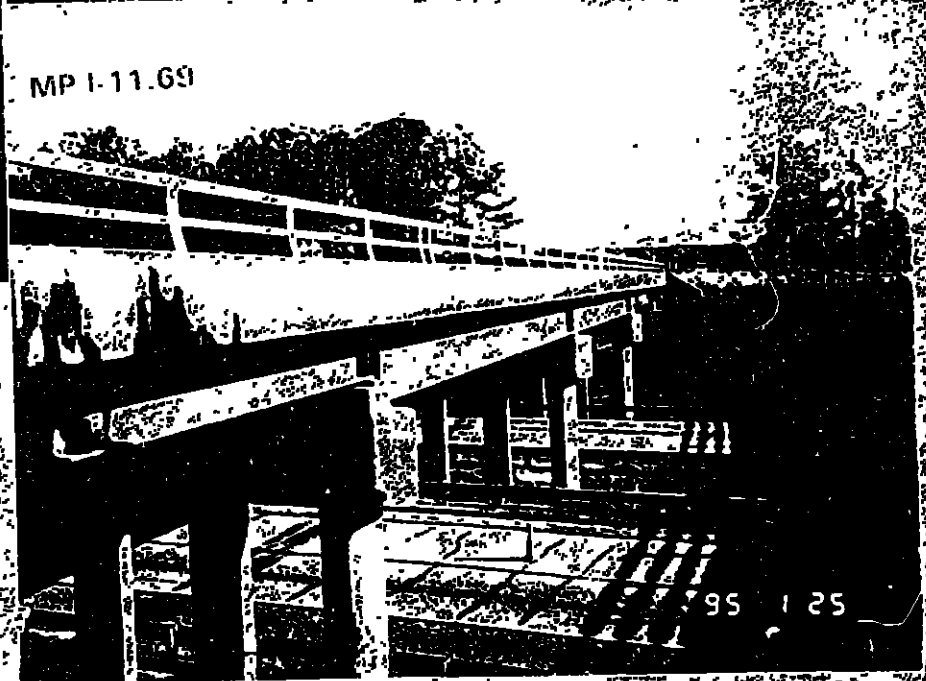
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MP-1-1:69



MP-1-1:69

DATE RUN: 01/18/95

NORFOLK SOUTHERN CORPORATION  
BRIDGES & STRUCTURES LISTING  
SOU.

PAGE 1

PIEDMONT DIVISION

MILEPOST	OLD NO	CROSSING	TRK ST CO	NO. SPNS	STRUCTURE	DESCRIPTION	DECK	TOTAL LENGTH	HGT	NO. STKS	STRUCTURE	DATES
I - 2.00		HICK CREEK	33	10	PILE	TRESTLE	OPEN	135.00	12.0	1	STEEL	MASONRY
I - 3.70		WATERWAY	33	13	PILE	TRESTLE	TMR BAL	176.00	23.0	1		
I - 11.69		1-85	33	4	STEEL BEAM	CONC BAL		223.50	20.5	1	1970	1970
											1952	1920
											1970	1970

054 JUNCTION TO HENDERSON

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Exemption was served upon the Governor of North Carolina; the North Carolina Public Service Commission; the North Carolina Public Railway Commission; North Carolina Department of Highways and Public Transportation; U. S. Department of Transportation; the United States Department of Defense (Military Traffic Management Command); U. S. Department of Agriculture, Chief of the Forest Service; National Park Service, Recreation Resources Assistance Division; National Park Service, Land Resources Division; Department of Interior (Bureau of Outdoor Recreation); J. S. Thomas, Jr., Granville Economic Development Commission, Oxford, NC; William L. Hopper, Esq., Hopper & Hicks, Oxford, NC; Robert L. Corbitt, Granville County Chamber of Commerce, Oxford, NC; Eric M. Williams, City Manager, Henderson, NC; and the active shippers or receivers at Henderson, NC receiving service via the Line, by first class mail, postage prepaid, this 6th day of June 1995.

  
James R. Paschall